

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, September 28, 2021**
Meeting Time: **7:00 pm**

Members Present: Dennis Ciotti (Councilor), Dave White, Kyle Pimental, Tom Clark, Frank Torr, Gina Cruikshank (Chair)

Members Not Present (excused): Hayley Harmon (Vice Chair), Steph George (Alternate), Dave Landry, Mark Speidel (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, D. Landry, S. George and H. Harmon are excused absence. Erin Allgood has resigned from the Board due to work conflicts.

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.

John Donais, 16 Durham Road submitted an email and letter he requested be read into the record. C. Parker read the email and letter into the record.

Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

August 24, 2021 Regular Meeting Minutes

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

3. OLD BUSINESS

- A. Public hearing and possible vote of amendments to Chapter 153 entitled "Site Review Regulations" regarding landscape/tree calipers.

C. Parker explained the rationale behind the amendment. He noted that it is recommended to have two public hearings and vote in October, after the second one, if the Board is ready to vote.

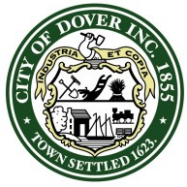
Public Hearing Opened

No calls or emails were received.

Motion: D. Ciotti moved to table the public hearing and Amendment. Seconded by D. White. Vote: U/A

- B. Public hearing and possible vote of amendment to Chapter 157 entitled "Land Subdivision Regulations" regarding landscape/tree calipers.

C. Parker explained the rationale behind the amendment. He noted that it is recommended to have two public hearings and vote in October, after the second one, if the Board is ready to vote.



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Public Hearing Opened

No calls or emails were received.

Public Hearing Recessed

Motion: D. Ciotti moved to table the public hearing Amendment. Seconded by D. White. Vote: U/A

4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for Michael and Michelle Trochalakis, Assessor's Map M, Lot 93-A-2, zoned R-40, located at 7 Cullen Bay Road. (Proposal is to construct a new pool and relocation of an existing walkway due to a garage addition resulting in 1,052 sq. ft. of impact to Conservation District and 144 sq. ft. of impact to Wetland Protection District. *(P21-61)

C. Parker explained the applicant is requesting a Conditional Use Permit to install an in-ground pool and brick walk in the Conservation District adjacent to the tidal Cochecho River, creating 1,052 s.f. of permanent impact to the 100' tidal buffer zone and building a garage addition with an impact of 144 s.f. to a 50' wetlands buffer. The walkway will create wetlands buffer impacts.

The Conservation Commission endorsed the CUP at their meeting on September 13, 2021, with no conditions.

Jayce Greguire, Civilworks, NE reviewed the project and plans. Shore land and wetlands permits are pending.

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

Public Hearing Opened

No calls or emails were received.

Public Hearing Closed

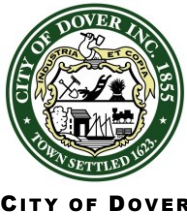
Staff Recommendation:

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 considered the criteria when designing the plan by placing the garage outside of the wetland buffer in an area that was previously filled when the house was built. Wetland impacts have been avoided and the minimal wetland buffer impact is primarily a steep slope. The impacts were minimized and avoided as much as possible by placing the walkway close to the garage. Staff believes this proposal is consistent with the standards.

The Conservation District ordinances provide for Conditional Use Permits to allow impacts to the Conservation District if standards related to demonstration that the use is essential to the productive use of land, a soil erosion and sedimentation control plan is submitted, state and federal approvals have been applied for, and a written review by the Conservation Commission has been sought.

Staff feels that the applicant considered the criteria when placing the pool based on the site topography and in an area that is already a mowed lawn. The plan includes erosion and sedimentation control measures to



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prevent any impacts to the tidal buffer zone. The DES Wetlands Permit has been applied for and the Conservation Commission endorsed the application with no conditions on September 13th, 2021.

Staff recommends approval with the following condition:

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

1. Provide a copy of the NHDES Wetlands Expedited permit.

Motion: F. Torr moved to approve the Conditional Use Permit, with Condition, as it is consistent with the regulations. Seconded by D. White. Vote: U/A

The Vice Chair noted that items 4B, C and D would be heard together.

- B. Consideration and acceptance of a Minor Subdivision for American Durafilm Co., Inc., (Owner: Dover Business and Industrial Development Authority), Assessor's Map D, Lot 11-1, zoned IT, located at Venture Drive. (2 new lots) *(P21-62)
- C. Consideration and acceptance of a Conditional Use Permit for American Durafilm Co., Inc., (Owner: DBIDA), Assessor's Map D, Lot 11-1, zoned IT, located on Innovation Way and Venture Drive. (Proposal is for a new manufacturing building and associated parking and drainage facilities, creating 7,419 sq. ft. of wetlands buffer impacts). *(P21-50)
- D. Consideration and acceptance of a Site Review for American Durafilm Co., Inc., (Owner: Dover Business & Industrial Development Authority), Assessor's Map D, Lot 11-1, zoned IT, located at Venture Drive. (Proposal is to construct a 15,000 s.f. light manufacturing building with associated parking as well as a future 5,000 s.f. addition).*(P21-49)

C. Parker noted that the first application is for the City to subdivide a 3.3 acre parcel off the 36 acre parcel it owns at the corner of Innovation Way and Venture Drive. The larger lot will be 32.89 acres after the subdivision.

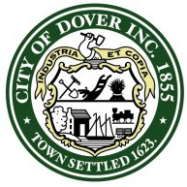
From there the applicant is requesting site plan approval to construct a 15,000 s.f. light manufacturing building with associated parking as well as a future 5,000 s.f. addition. The layout of the lot and building will create 7,419 s.f. of wetlands buffer impacts. The 7,419 s.f. of impact is within the wetland buffer for grading associated with the bio retention basin and areas adjacent to the proposed 5,000 s.f. building addition. This impact also includes 72 s.f. of the proposed paved area according to the application.

The site would be serviced by public water and sewer. Currently, the plan shows the water and sewer being brought to the first driveway. The Dover Utilities Commission regulations require the utilities be brought to the end of the parcel. The applicant will seek a waiver from that from the DUC, and the Planning Board has no jurisdiction over that waiver.

As a Minor Subdivision, this application did not directly appear before the TRC.

The Dover Business and Industrial Development Authority approved this project at its September meeting.

The Conservation Commission endorsed the CUP at its meeting on September 13, 2021 with no conditions.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
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The applicant is requesting the Board grant a waiver from the requirement for a driveway width to allow a 30' entrance/exit rather than 24' permitted. The applicant provided justification in their site plan application. Finally, the applicant is seeking to use the Industrial Transfer of Development Rights ordinance which allows for more efficient use of industrial land by reducing setbacks. Here the reduction request is for the rear of the building.

There will be five votes, the minor subdivision, the CUP, the TDR, the waiver and the site plan.

Steve Haight, Civilworks, NE reviewed the project and plans. The company is moving their manufacturing base to this location. They make medical grade tubing for procedures. This is DBIDA land, and they approved this use to go on the site. The project has been to TRC several times and has met their requirements.

The reason for the driveway waiver is to get the trucks in and back up to the loading docks. The utilities were not originally brought up that road. The second waiver is to bring the utilities up to the proposed building. The request for TDR waiver is at the rear of the building for setbacks.

Questions and clarifications occurred about the waiver being requested regarding utilities. Mr. Haight clarified what they are asking for and why. D. White clarified what he's asking for on the site and why.

The board discussed the 'sending area lots' on the plans and how they are labeled.

Mack Hendrick, American Durafilm addressed the concern of emissions by explaining they are a distributor of high-performance plastics and manufacturer of tubing. They are below Dupont in the supply chain and don't produce any chemicals. They use commercially available products to manufacture the tubing.

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

Public Hearing Opened

Dan Barufaldi, Director of Economic Development in Dover spoke in favor of the project. DBIDA recommends the Board grant the utilities waiver because if you look at the topography, there is a drop off at the cul-de-sac and utilities can be brought in another way.

Scott Johnson, Chairman of DBIDA spoke in favor of the project on behalf of Dover Business Industrial Development Authority who also recommends granting the utilities waiver.

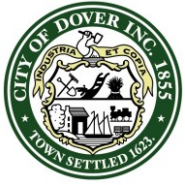
No calls received. Katie Poole, 29 Reyners Brook Drive sent an email with concerns about emissions.

Public Hearing Closed

STAFF RECOMMENDATION- Subdivision:

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

Conditions to Be Met Prior to Signing of Plans:



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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Meeting Date: **Tuesday, September 28, 2021**
Meeting Time: **7:00 pm**

1. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - a. Signature and stamp of LLS
 - b. Owner's signature for recording at Strafford County Registry of Deeds.
 - c. Planning File # P21-62
 - d. Common Subdivision notes 11, 14, 15 and 33
 - e. A note that the TDR ordinance was used to create D-11-1
 - f. Existing topography, setbacks, existing vegetation and soils
 - g. Revise the plan to show the historic TDR sending and receiving notations
2. Confirm with the City Assessor that D-11-10 is the correct lot number

Conditions to Be Met Prior to Building Permit:

3. Easements for utilities shall be recorded at the Strafford County Registry of Deeds with the recording information provided to the Planning Department.

Motion: F. Torr moved to approve the Minor Site Plan with conditions, as the request is consistent with the regulations. Seconded by T. Clark. Vote: U/A.

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 considered the criteria when designing the plan by placing the building as close to Innovation Way as possible, that wetland impacts have been avoided and that the wetland buffer with the primary impacts is an isolated wetland that is not connected to the larger wetlands to the northwest. The building placement is the only practicable alternative and the impacts were minimized such that no building or parking is in the buffer. Staff believes this proposal is consistent with the standards. The Planning Department recommends the Planning Board vote to grant the Conditional Use Permit with the following conditions:

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

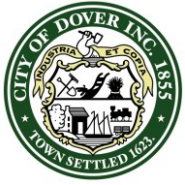
1. Site plan approval (P21-49) be approved.
2. Subdivision approval (P21-62) be approved.

Motion: T. Clark moved to approve the Conditional Use Permit with conditions, as the request is consistent with the regulations. Seconded by F. Torr. Vote: U/A.

STAFF RECOMENDATION – Waiver

C. Parker noted 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."



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Staff believe criterion 1 has been met noting that the width has been reduced since TRC initially reviewed to the minimum needed to make the turning radius work successfully. The need for deliveries and the slope at that part of the site require this configuration, and would impact the applicant. Staff recommends the Board vote to grant the waivers with the following condition:

1. Add a note to the plat that the Board granted a waiver to Chapter 153-14.C(5)(b) (entrance width), 153-14.B(1) (a) (waterline size), 153-14.B(1) (b) (extension of water the full length of the parcel) and that the Board found the criteria of Chapter 153-21.A have been met.
2. Utilities shall be extended through the second driveway, if the DUC grants waiver.

Motion: D. White moved to approve the waiver with Condition, as it is consistent with criteria 1 of the ordinance. Seconded by D. Ciotti. Vote: U/A

STAFF RECOMMENDATION TDR:

The Planning Department recommends the Planning Board vote to approve TDR request with the following conditions:

1. Add TDR note to site plan indicating rear setback relief was provided through TDR.

Motion: D. Ciotti moved to approve the Industrial TDR, with Condition, as it is consistent with the ordinance. Seconded by K. Pimental. 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 physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - a. Signature and stamp of PE, LLA, CWS, architect, and LLS
 - b. Owner's signature
 - c. Revise plans to bring to water and sewer lines to the 2nd driveway unless waiver from DUC is not granted.
 - d. Revise note 19 on sheet 4 to indicate no Sunday or Federal Holiday hours.
 - e. Revise the plan to relocate the fire hydrant to the satisfaction of the City Engineer
 - f. Revise the plan to update the landscaping per the posted amendment to tree caliper size.

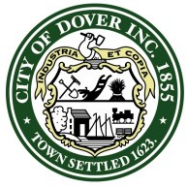
Conditions to Be Met Prior to any Construction Activity:

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



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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.

Motion: K. Pimental moved to approve the Site Plan, with Conditions, as it is consistent with the regulations. Seconded by F. Torr. Vote: U/A

5. STAFF COMMENTS

- C. Parker updated the Board on:
 - the latest TRC: subdivision on Sixth Street, three commercial projects on Littleworth Road, and the waterfront project.
- Reminder that the Board has three meetings in October, including the joint meeting with the Council on the 6th. The meeting will also include a review of drinking water capacity.
- Based upon the discussion regarding the R-40 during the zoning amendments, and follow up with the chair, any TDR request over 2 units will be advised, by staff, to come for a preliminary review by the Board.
- CDBG applications will be released next week and due on November 19th.
- UNH students were at the meeting tonight to watch the process

6. MEMBER COMMENTS

- F. Torr confirmed the Durafilm owner is a UNH graduate and is moving his business here.

7. ADJOURNMENT

Motion: F. Torr made a motion to adjourn at 8:01 p.m. Seconded by D. Ciotti. Vote: U/A