

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, February 8, 2022**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Fergus Cullen (Councilor), Tom Clark, Erinn Reville (Alternate), Dave White, Kyle Pimental, Frank Torr, Dave Landry, Mark Speidel

Members Not Present (excused): Jackie Walker (Alternate), Stephanie George (Alternate), Hayley Harmon (Vice Chair)

Members Not Present (un-excused): None

Staff Present: Donna Benton, Director of Planning and Community Development, Dave Carpenter, Community Development Planner

The Chair called the meeting to order at 7:00 p.m. and noted M. Speidel will sit as Vice Chair tonight for H. Harmon and E. Reville will sit for M. Speidel.

1. CITIZENS' FORUM

Citizens Forum Open

None

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

January 25, 2022 Regular Meeting Minutes

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

3. OLD BUSINESS

- A. Discussion and possible recommendation to the City Council of the FY23 CDBG Action Plan including proposed allocations.

D. Benton explained at the last Planning Board meeting the Board opened and closed the public hearing regarding the FY23 CDBG Action Plan. Since then staff has recommended allocating the funding according to the national objectives and prepared revised plans for the Board. The board is free to discuss the Action Plan and can decide if changes are necessary, or if it wishes to recommend the Plan as presented to the City Council. She thanked D. Carpenter for his efforts and said he was here to answer any questions.

D. Landry recused himself from the discussion and vote due to conflicts with his family members being involved with the various groups which have applied for funding.

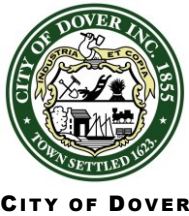
D. Carpenter summarized the process and reviewed his recommendations for the board.

M. Speidel asked if a group asks for a certain amount, and the staff recommendation is higher, are they allowed to use the extra funds any way they wish after their proposed project is paid for, or do they need to return the extra funds to the City to be used elsewhere?

D. Carpenter noted the City only reimburses the group for funds spent on the proposed project.

K. Pimental asked why the CAP weatherization and energy efficiency program is asking for \$15k less than they are receiving this year.

Also, can that money be used by landlords to improve energy efficiencies in apartment buildings?



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D. Carpenter noted CAP manages the program and have to operate within the parameters of Dover's consolidated plan which has been only for single family dwellings up until the current plan. It now allows for more than single family homes, but not for 40-unit buildings. He gave a bit more detail on that. Regarding the use of the funds, it's on both CAP and Dover. He explained the past few years' worth of funding for that group since the funding was uniquely tracked through the years.

F. Cullen asked to what extent the City advertises the availability of these funds.

D. Carpenter noted the consolidated plan and a document within that lays out the rules. They issue notices in various ways when the applications are available.

F. Cullen commented he is frustrated with the minimal amount of money that these important groups receive through this process.

Motion: T. Clark moved that the Planning Board finds the proposed FY23 Dover CDBG Action Plan is consistent with the Dover CDBG Consolidated Plan and recommends to the City Council approval of the proposed FY23 Dover CDBG Action Plan. Seconded by D. White. Vote: U/A

4. NEW BUSINESS

- A. Consideration and acceptance of and reapproval 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 is to still construct a three-story medical rehabilitation facility). The Site Plan was approved by the Board, with conditions, on October 27, 2020 and received an extension on June 22, 2021. *(P22-07)

D. Benton explained that this project was previously approved along with a CUP on October 17, 2020 then received an administrative extension from the Planning Board on June 22nd, 2021 but there was some staff changes at Berry Survey and Engineering and the materials were not officially submitted to the Planning Department so they need to seek a new approval. The CUP does not expire like site plan approvals so that would still be valid. No zoning or site review amendments affect the project from when it was last before the Board. It went to TRC on September 24, 2020 and is proposing 64 beds and 24/7 staff coverage for a medical withdrawal management facility. The applicant is requesting one waiver tonight which is to not provide the site specific soils map.

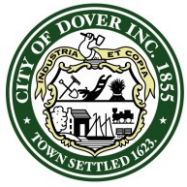
Joe Berry, Berry Surveying and Engineering noted the conditions have been met and revised plans have been provided for the project. There were no changes to the plans other than the conditions. He was present to answer any questions.

Motion: D. White moved to accept and declared no regional impact. Seconded by D. Landry. Vote: U/A.

Public hearing opened.

None

Public Hearing closed.



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STAFF RECOMMENDATION-Waiver:

Chapter 153-21 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 site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.”

Staff believes that the criterion 2 has been met as the site is an urban site and heavily developed nearby.

The Planning Department recommends that the Planning Board vote to grant the waiver per the reasoning provided by the applicant with the following condition:

Condition to Be Met Prior to Signing of Plans:

1. Add a note to the plat that the Board granted waiver to Chapter 153-13.A(10) and that the Board found the criteria of Chapter 153-21.A have been met.

Motion: D. White moved to grant the waiver and found the criteria of Chapter 153-21.A have been met.
Seconded by: D. Landry. Vote: U/A

STAFF RECOMMENDATION- Site Plan

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. This plan is consistent with those regulations.

The Planning Department recommends the Planning Board vote to approve the Site Plan with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. The Conditional Use Permit (P20-67) shall be approved.
2. The applicant shall provide the Planning Department a
 - a. digital version of the plan
 - b. CAD file to the satisfaction of the Asset Management Administrator
 - c. Revised plan with owner's signatures, and LLS, PE, CWS, and LLA stamps and signatures

Condition to Be Met Prior to any Construction Activity:

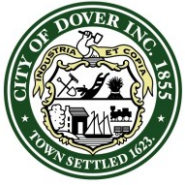
3. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Director of Planning and Community Development.

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

4. Provide the classification of the generator, if needed
5. The wetlands buffer placards shall be installed.
6. Water and Sewer investment fees shall be paid at time of application for service.

Conditions to Be Met Prior to Occupancy:

7. Issuance of a certificate of occupancy.
8. Impact fees shall be paid per the invoice included with the Notice of Decision.
9. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.



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Motion D. White moved to approve the site plan application with the recommended conditions. Seconded by F. Cullen. Vote: U/A

- B. Consideration and acceptance of a Minor Subdivision for Michael & Colleen Foligno, Assessor's Map A, Lot 21, zoned R-40, located at 193 Blackwater Road. (1 new lot) *(P22-05)

D. Benton noted that the applicant is requesting to complete a minor subdivision and that the lot is bisected with the city boundary with Somersworth therefore a CUP and subdivision approval is also needed in Somersworth. The Board can decide if it wants to determine regional impact but staff does not feel it is required in this case. The staff memo outlines RSA 36:55 for Regional Impact and RSA 674:53 about Land Affected by Municipal Boundaries. She's spoken with the Planning Director of Somersworth and understands they are aware of this subdivision and have received the CUP and subdivision applications already. As a minor subdivision, this did not appear before the TRC.

Joe Berry, Berry Surveying and Engineering, represented the application. The minor subdivision is to create one additional single-family lot. The frontage will stay in Dover and the building area will be in Somersworth due to a wetlands pocket. They will be allowed to tie into Somersworth utilities.

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

Public Hearing Opened.

None

Public Hearing Closed.

STAFF RECOMMENDATION:

The plan is consistent with Chapter 157-15 of the City of Dover's Land Subdivision Regulations, which provides for subdivision of existing lots.

The Planning Department recommends the Planning Board vote to approve the application 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 owner's signatures for recording at Strafford County Registry of Deeds.
 - b. Include Planning File Number P22-05
 - c. Stamp and signature of the LLS and CWS
 - d. Add NHDES subdivision permit #

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



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C. Discussion and update from Wetlands Ordinance Subcommittee regarding potential amendments to the wetlands ordinance. *

D. Benton explained that there has been a sub-committee working for about a year now on revising the wetlands protection district ordinance using a grant with staff support from PREP, SRPC, and previously Steve Bird before his retirement in November. She said D. Landry as the Chair and K. Pimental from SRPC have prepared a short presentation to indicate the direction the committee would like to go. At a future meeting, amended language would be provided for the Board's review to post then hold public hearings.

D. Landry and K. Pimental gave their presentation to the board.

5. STAFF COMMENTS

- The only TRCs since the last meeting was January 27 for a City water tower at 40 – 42 Smith Well Road, and a second TRC for 8 townhouse units at 71 Rutland Street.

6. MEMBER COMMENTS

- The Chair signed plans for a lot line adjustment and subdivision for Settlement on Sixth.
- D. White announced his retirement at the end of the month. Members wished him well and thanked him for his time on the Board.

7. ADJOURNMENT

Motion: F. Torr moved to adjourn at 8:24pm. Seconded by D. White. Vote: U/A