



DOVER PLANNING BOARD – MINUTES

Amended

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, January 11, 2022**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Fergus Cullen (Councilor), Hayley Harmon (Vice Chair), Dave White, Kyle Pimental, Frank Torr, Dave Landry, Mark Speidel, Jackie Walker (Alternate), Steph George (Alternate)

Members Not Present (excused): Tom Clark, Erinn Reville (Alternate)

Members Not Present (un-excused): None

Staff Present: Donna Benton, City Planner

The Chair called the meeting to order at 7:00 p.m. and announced Steph George would sit for Tom Clark. She welcomed Fergus Cullen as the new Council representative and noted Christopher Parker has been promoted to Deputy City Manager so will no longer be staffing the Planning Board meetings. She noted her positive experience working with him as well as his in-depth knowledge.

1. CITIZENS' FORUM

Citizens Forum Open.

David Dupont, 24 Lisa Beth is concerned about the pressures being put on the City due to development: traffic, schools, city services and especially water. He expounded on his concerns regarding water.

Citizens Forum Closed.

2. ELECTION OF OFFICERS

F. Torr nominated G. Cruikshank as Chair. Seconded by D. White.

D. Landry nominated H. Harmon for Vice Chair. Seconded by M. Speidel.

Ballots were distributed and submitted. Results: all in favor for both positions.

3. APPROVAL OF THE PRIOR MINUTES

December 15, 2021 Regular Meeting Minutes

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

4. OLD BUSINESS

None

5. NEW BUSINESS

The Vice Chair announced the Items 5A-C would be heard together.

- A. Consideration and acceptance of a Conditional Use Permit for McIntosh Dover, LLC., c/o Baker Properties, Assessor's Map 13, Lots 23 & 24, zoned Gateway, located at 23 Cataract Avenue & 61 Rutland Street. (Proposal is to disturb 56,000 s.f. within the 50' wetland buffer to build four 4-story multi-family apartment buildings and a 1-story clubhouse on site with associated parking, grading, and drainage) *(P21-46)
- B. Consideration and acceptance of a Conditional Use Permit for McIntosh Dover, LLC., c/o Baker Properties, Assessor's Map 13, Lots 23 & 24, zoned Gateway, located at 23 Cataract Avenue & 61 Rutland Street. (Proposal is to allow an approximate 34.8% frontage build-out instead of 60% as required & an approximate 79.6' front primary build-to-line whereas 0-20' is required) *(P21-47)
- C. Consideration and acceptance of a Site Review for McIntosh Dover, LLC., c/o Baker Properties, Assessor's Map 13, Lots 23 & 24, zoned Gateway, located at 23 Cataract Avenue & 61 Rutland Street. (Proposal is to construct four (4) 4-story multi-family apartment buildings consisting of a total of 158 units, and a 1-story clubhouse as well as an additional 278 parking spaces). *(P21-45)



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D. Benton noted that the applicant is requesting to merge two lots into one and then create four 4-story multi-family apartment buildings consisting of 158 units plus a clubhouse and associated parking. The property is served by water and sewer and all proposed infrastructure will be privately maintained.

The Gateway district allows 1 unit per 4,000 square feet. If the property owner agrees to rent restrict the units to meet the HUD fair market rental rates for Dover, the density is 1 unit per 2,000 square feet. 52 of the 158 units will be HUD rental restricted.

The applicant had a traffic analysis performed as required and staff had Sebago Technics perform a peer review of the traffic study. The review noted overall the study was in line with expected outcomes and suggested an additional safety audit and the inclusion of roadside maintenance. The recommendations have been included in the staff's review and proposed conditions of approval.

Also before the Board tonight are two Conditional Use Permits, one environmental to allow 56,000 s.f. of wetland buffer impact but no wetlands impacts and one dimensional to allow less than the required frontage build out since the lot has frontage on the Spaulding Turnpike, Rutland St. and Cataract Ave and a longer build-to-line than required to set the buildings away from the public right-of-ways.

Todd Baker, owner, represented the application.

His company bought the property in 2018. Their goal is to repurpose properties to meet the needs of the community. He explained the history of the site previously used as a college and explained how the property fell out of use. After attending public meetings that first year of ownership, they found the need here is affordable housing.

The proposal is for four buildings with 39 units in each building, parking underneath and 1/3 of the units will be affordable housing.

The project has been through TRC and Conservation Commission with approvals from both. They met with the abutter and have incorporated their feedback as well.

Brian Jones, lead engineer presented the site plan for the project. The site is 12 acres, and the intention is to merge the two lots. There are currently 283 parking spaces on the site.

He described the wetland locations and quality as well as all of the exterior details for the proposed project. He explained the proposed pavement, storm water plan, drainage, utilities, lighting, and landscaping.

Tom House, architect discussed the design elements of the project including building exteriors, parking garages, and interior floor plans.

Steve Pernaw, traffic engineer explained the traffic study performed.

D. Landry asked about the use of permeable materials. Brian Jones explained the relationship to the high water table as well as underground parking.

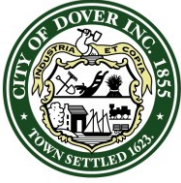
He asked who would be responsible for the vegetation near the site lines for traffic. Brian Jones explained that area is proposed to be cleared as part of the construction process.

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

D. Benton summarized the following:

Email received from Rebecca Jacques, 52 Rutland Street.



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Two emails received from Carl Paulsen, 8 Hamilton St.
Email received from Erin Sidebotham, 55 Rutland St.
Email received from Jack Mettee, 56 Rutland Street.
Email received from Sara Treacy, 148 Locust Street
Email received from Katherine Cox, 101 Belknap Street
Email received from Laurie and Greg Smith, 36 Fisher Street
Email received from Melissa Henerberry, 26 Fisher St.

Stacey Allen, 56 Bellamy is concerned about the meeting notices. It is very difficult to pick up a certified letter from the post office when one works all day- especially with only 1 weeks' notice. It is also difficult for residents to know what projects are going on since the projects are so far developed with the City before the residents are notified. The projects and developments she's seen are not affordable at all. She would like more affordable housing but putting up apartment complexes in these residential neighborhoods does not seem like the right location.

Don Chandler, 65A Bellamy is concerned about the traffic in the area due to all of the projects that are being worked on – he listed 3 different projects.

Dave Dupont, 24 Lisa Beth would like the board to look at the master plan. The apartments should be located downtown.

Patrick Labrie, 55 Bellamy is concerned about the growth and strain on Dover's infrastructure from development. The infrastructure of schools, police, fire are overwhelmed.

Lauren Serepent, 54A Rutland noted her property floods with every rain so this extra stress on the land scares her. She purchased about a year ago and would not have done so if she knew about this project. This will impact the large amount of pedestrian traffic in that area all day long.

Helen Labrie, 55 Bellamy noted the sidewalk plan is not sufficient. She is not in favor of all of the apartment buildings going into that neighborhood.

Jack Mette, 56 Rutland has many concerns that have already been mentioned. He is concerned about the height of building 2. It needs more screening on the eastern side of the property. The traffic study does not account for the pedestrians and bikers in that area.

He made two recommendations for the goal-setting item set for later in tonight's meeting.

- Adjusting the gateway district standards
- Extending the heritage residential district from Fisher St to Cataract

David Smith, 38 Bellamy is concerned the traffic study is not accurate and the site lines in that area are already bad. He is concerned for safety for everyone, especially young drivers going to and from the school.

Cliff Blake, 1 Lisa Beth is concerned about the traffic flow and speed and pedestrian safety.

Laurie Smith, 36 Fisher noted the plan is thoughtfully organized and there are good parts to it. She is concerned about the density. The properties that abut Rutland st should be reduced in height.

Jack Cronholm, 4 Lisa Beth agrees with the other comments and Bellamy Road is already overloaded.



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Marc Saunders, 57 Bellamy noted Bellamy Road needs to be fixed- it is a serious safety concern.

Public Hearing Closed

D. Benton addressed some of the public comments:

- Abutter notices- State Statute
- The City lets traffic engineers know about other ongoing projects so they can include all information into their traffic studies
- Latest studies indicate 0.3 students per unit over all school ranges which is about 48 for this project
- 4 stories are currently allowed in this district
- TAC can look at some of these traffic concerns. Perhaps some neighborhood meetings.

Todd Baker addressed some public comments:

- It's a mixed-use neighborhood. There was traffic when it was a college and only over the past 15 years the property hasn't been used as much. There is more concern for traffic on Bellamy than he anticipated but believes their added impact will be minimal.
- Infrastructure was discussed with City officials and the project was deemed doable. Also, there are substantial impact fees they will pay which go to the City to offset added expenses to infrastructure.
- Stormwater flooding: the site will not really be changing much from what is already there with regard to storm water.
- He is planning to maintain the vegetation and site lines.

Steve Pernaw gave more information about the traffic study.

K. Pimental asked if the impact fees would be earmarked for water/sewer infrastructure needs, or if some could be used for pedestrian improvements. D. Benton noted they have not been specifically earmarked, but the fees must go towards new items in the categories of Police, Fire, school or recreation. Pedestrian improvements could fall under public safety, but it has to be new infrastructure.

K. Pimental asked if there was any discussion to have building 4 be a 5-story building seeking relief from ZBA for the height regulation so that building 2 could lower to three stories. Building 2 is close to the abutting residential properties and building 4 is closer to the turnpike.

Todd Baker said that's an interesting idea, but they did not discuss that specifically. He did work with the close abutters to look at the site and discuss the topography, vegetation and site lines in order to create the proposal in the best possible way for the neighborhood.

D. Benton noted that height relief can come through the Planning Board by granting a CUP. The applicant would not have to go to ZBA.

D. Landry agrees with Kyle's idea and that the height of building 2 is a problem. He noted he has no issues with the wetlands impacts for this project. He is concerned with one of the conditions for approval. He has safety concerns that he would like to review as a member of the Planning Board.

D. Benton confirmed that the Planning Board does not have the authority to deny a project on the basis that the traffic is already too busy in the area.

They can vote to table the item to review and discuss the safety concerns and recommendations regarding line of site/ landscaping and the safety analysis.

F. Torr noted affordable housing is what we keep talking about needing. It's a good project and he likes the underground parking.



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D. White noted the City has already identified the Central Ave/ Durham Rd corridor as needing attention and that is in the plans through CIP. The City has also made improvements near this neighborhood and he believes they would be willing to do more in that area to finish out those improvements. This area is going to get developed. There are two or three other properties in that area that will probably be developed soon. The Planning Board sets the parameters for the developers. If the applicant meets the parameters set, the board should not micromanage the project. It is not simple to just add and subtract building heights.

G. Cruikshank noted for the public that even if the Board votes in opposition to the opinions they gave, she doesn't want them to think they weren't heard. Sometimes there are state statutes or City regulations in place that can't be ignored.

H. Harmon asked when the neighborhood meeting had been held and also for more information about the proposed lighting.

Brian Jones said the meeting was September 2021. He explained the lighting for the project.

M. Speidel asked the applicant if he is willing to drop building 2 to three stories and what that would do to the project plans. Todd Baker noted he would prefer not to make the change as it would impact the overall construction plans. They have tried to meet the regulations without having to seek variances. It's not impossible, but it would be more difficult.

D. Landry noted there is not a variance to be sought for the potential change in story height. There would be a CUP that the Board would need to approve- much like the two CUPs that are on the agenda for this project tonight.

Motion: D. Landry moved to table the item for a safety audit regarding neighborhood traffic and pedestrians and to look at changing heights on two buildings. K. Pimental seconded.

G. Cruikshank noted the Planning Board does not have authority to require height changes as the applicant meets regulations.

Vote: 3-6 with Speidel, Pimental and Landry in favor and the rest opposed.

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 understands that the applicant considered the criteria when designing the plan and has altered the plan since the initial concepts to be able to consider alternatives, avoid as much wetland and wetland buffer as reasonably possible and minimize impact. The applicant further explains their process and how the criteria have been met in the narrative attached to the CUP application.

The Planning Department recommends that the Planning Board vote to approve the Conditional Use Permit with the following conditions:

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

1. The site plan (P21-45) be approved.

Motion: D. White moved to grant the Conditional Use Permit with conditions, as the request is consistent with the regulations. Seconded by F. Torr. Vote: 8-1 with S. George opposed.



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STAFF RECOMMENDATION:

Chapter 170-20.B(1) Zoning Ordinance allows for Conditional use approval for relief from the standards herein may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the standards.

Staff feels that with the lot having frontage on three public right of ways, it is not conducive to meet the frontage build-out requirement. Furthermore, the site distance required for the access roadway and the desire to lessen impacts to the residential abutters suggests that having the buildings setback from Rutland Street is the best layout. The Planning Department recommends the Planning Board accept the application, open the public hearing and vote to approve the Conditional Use Permit with the following conditions:

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

1. The Conditional Use Permit (P21-46) be approved.
2. The site plan (P21-45) be approved.
3. The applicant shall enter into a Development Agreement noting the relief granted by the Planning Board in finding that the criteria of 170-20.B(1) have been met.

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

STAFF RECOMMENDATION:

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 that the Planning Board vote to approve the site plan with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. Conditional Use Permits P21-46 and P21-47 shall be approved.
2. The Board acknowledges the merger of the two lots at a future meeting.
3. The applicant shall provide
 - a. A sample lease for the HUD rental units
 - b. An annual maintenance and operations plan for maintaining site distance on Cataract Avenue, including addressing roadside vegetation and snow removal all year and in all weather conditions
4. A Development Agreement shall be signed between the City and the Applicant regarding the HUD rental restricted units and the annual reporting requirements, and if necessary payment made for passive and active recreation balance needed.
5. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - a. Signature and stamp of PE, LLS, CWS and LLA
 - b. The owners' signatures for recording at Strafford County Registry of Deeds
 - c. All permit numbers
 - d. A note regarding the site distance clearing and maintenance plan
 - e. Add EV readiness
 - f. Add city wetland buffer placards every 30 feet



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6. The applicant shall work with the City to complete a safety analysis for the intersections of Rutland Street at Silver Street and Rutland at Central Avenue. A memorandum of agreement shall be signed by the City and the applicant regarding implementation of any improvements, to the satisfaction of the Director of Planning and Community Development.

Conditions to be Met Prior to Construction Activities:

7. Existing 23 Cataract Avenue building will be re-addressed consistent with the new road name
8. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Planning Director.
9. The wetland buffer placards be installed every 30 feet.

Conditions to be Met Prior to Building Permit:

10. Any outstanding work associated with existing building permits for the existing 23 Cataract Avenue building (to be renumbered) will be completed.
11. The applicant shall provide payment for active and passive recreation.
12. The new dwellings shall be assessed and pay the current Water and Sewer Investment Fees in place at the time of application for service.

Conditions to Be Met Prior to Occupancy:

13. Issuance of the Certificate of Occupancy.
14. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
15. Impact fees per unit shall be paid per the invoice attached to the Notice of Decision.
16. Any safety improvements required at the intersections of Rutland Street at Silver Street and Rutland at Central Avenue are in place.
17. Confirmation, by staff, that the wetlands buffer signs are in place, or replaced if damaged during construction.

Motion: F. Torr moved to approve the Site Plan with conditions, as the request is consistent with the regulations. Seconded by D. White.

Discussion occurred about whether to expand condition 6 to review more of the Rutland Street area in this neighborhood or if that was too much to require as a condition for this project.

Vote: 7-2 with D. Landry and S. George opposed

The Vice Chair announced Items 5D-F would be heard together.

- D. Consideration and acceptance of a Minor Lot Line Adjustment for Knox Marsh Development LLC and Dove Development Group LLC., (Owners: Knox Marsh Development LLC and Gary and Kim Bates), Assessor's Map H, Lots 46-2, 46-3 & 50, zoned R-40, located at 51 & 65 Bellamy Road. (3 Lots) *(P21-67)
- E. Consideration and acceptance of a Subdivision for Knox Marsh Development LLC and Dove Development Group LLC., (Owners: Knox Marsh Development LLC and Gary and Kim Bates), Assessor's Map H, Lots 46 & 50, zoned R-40, located at 51 & 65 Bellamy Road. (15 new lots total) *(P21-87)
- F. Consideration and acceptance of a Site Review for Knox Marsh Development LLC and Dove Development Group LLC., (Owners: Knox Marsh Development LLC and Gary and Kim Bates), Assessor's Map H, Lots 46 & 50, zoned R-40, located at 51 & 65 Bellamy Road. (Proposal is to construct a private road which will provide access to the existing home as well as construct 12



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new single-family homes and four 4-unit buildings as well as the existing duplex using TDR)
*(P21-66)

D. Benton noted that at the March 9, 2021 Planning Board meeting a TDR subdivision was conditionally approved at 51 Bellamy. At the November 9, 2021 meeting a TDR concept was reviewed and conditionally approved for 51 and 65 Bellamy Road for up to 31 units. The first step towards that approval is to adjust the lot lines between two of the lots created in March and the adjacent lot 50. The lots remain conforming post adjustment.

Subsequent to this, the Board will approve separate applications for the subdivision. The applicant is requesting to merge five lots into one and then subdivide that one lot into 15 new lots. The subdivision will be served by two private roadways. The site is proposed to be serviced by municipal water and sewer. As this application was submitted with the application to re-subdivide the lots (P21-87), staff did not require a full survey sheet for lot 50, as normally would be submitted. This subdivision will replace and supersede the previous approval.

Finally, the site plan application will locate 16 townhouse units upon a site plan for the parcel (in addition to the single family homes and existing homes total 31 units for the larger project). A couple items to point out to the Board: the applicant shows on the plan a mid-block cross walk at Bellamy Road and Sophie Drive designed in a way similar to the one closer to the schools on Bellamy Road.

Part of the TDR request to allow the existing barn to be retrofitted into a 4-unit building and remain in the same location which encroaches into the 30' no cut no disturb buffer but otherwise meets the setback requirements. There is one waiver request for parking lot lighting at the darkest place in a parking lot to be less than 0.2 fc.

Christopher Berry, Berry Surveying and Engineering represented the applicants. The proposal involves modifying the lot lines. The Board approved up to 31 units for the project. There are single-family homes and a proposal for four 4-unit buildings which will also look like single-family homes. 20% of those units will be HUD restricted. Those units will be the 8 end units. The single-family homes are designed at 1400 sq ft to keep them affordable and in line with the neighborhood. There is an existing duplex on the site with a shared driveway to an abutter. That will all remain as-is.

They conducted a traffic analysis. Pedestrian safety has come up at TDR. Dover does not currently have a mid-block policy for crosswalks. The project proposes a speed table to allow crossings. City staff has varying opinions about it and discussions have occurred. The applicant is open to either providing the speed table at the proposed location, or funding a crosswalk at an off-site, nearby location in the neighborhood. The applicant would like the Board's opinions to help make a decision on that item. For their traffic study, they utilized and incorporated the information in the study done by the case that was just heard earlier tonight.

Mr. Berry further addressed utilities, storm water, setbacks and buffers.

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

D. Benton noted there were emails received:

Two emails received from Steven Clark, 72 Bellamy Road

Two emails received from Donald S Chandler and Christine A Janus-Chandler, 65A Bellamy Road.



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Dave Dupont, 24 Lisa Beth mentioned the vision statement, concerns about TDR, traffic and sidewalks.

Stacey Allen, 56 Bellamy agrees the single-family homes do match the neighborhood. As an abutter she does not remember hearing about when the four structures were changed to become multi-units. She doesn't believe the homes will be affordable. She asked if the homes would be sold as separate lots, or if they are part of an HOA being rented/ leased. She is curious about learning more about the anticipated traffic and impacts to water infrastructure. She would like to know more about the zoning district and regulations in that area.

Don Chandler, 65A Bellamy had some concerns about a preexisting structure that abuts his property. The applicant has created a proposal to eliminate his concerns. The applicant has satisfactorily addressed his concerns and he would like the Board to add to their conditions of approval that:

- Exits for the quadruplex will be at the front and rear of the barn structure
- The portion of the barn closest to the property line which is in disrepair will be removed

Caroline Dupont, 24 Lisa Beth is concerned about water and flooding. The contaminated well is right there in that neighborhood.

Cliff Blake, 1 Lisa Beth read comments from Barbara Allen, 48 Bellamy: which were thoughts on the progression of activity on the road over many years. She has concerns about safety and trucks and traffic. She is also the concerned about wildlife and what type of people would come to the neighborhood with this development- build somewhere else.

Patrick Labrie, 55 Bellamy is concerned about the rain gardens and if they work. He's concerned about Cold Springs Rd and the placement of a house which is going to be between two roads with future development planned nearby.

David Smith, 38 Bellamy is not in favor of the development.

Public Hearing Closed

D. Benton addressed comments:

- Yes, utility poles would need to be moved for the sidewalk
- These would be condos on a private road so the condo docs would explain the responsibilities
- Gateway district allows four stories. R-40 District does not. Maps.dover.nh.gov is where you can see layers of information for each parcel
- The project would have to meet storm water requirements which are strict. Containment and filtration is required on site
- She is not aware of any further development in progress off Cold Springs

Dave White addressed some comments:

- Rain gardens have been used throughout the City and they work extremely well- even if they are not well maintained
- Water mains: the City owns the water main in the right of way and maintains the service to each house to the curb box. Property owners own from the curb box into the house.
- For sewer, the homeowner owns from the house to the main.



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- He is satisfied with the proposed drainage and rain gardens.

C. Berry addressed some comments:

- There was no terminology change on the plans for storm water. Separate pages have similar info.
- Traffic for the site: 17 am peak trips and 22 pm peak trips are anticipated.

D. Landry asked for C. Berry to address proximity to various groundwater protection zones.

Groundwater recharge areas are central around rapidly infiltrating soils. The reason for multiple rain gardens is that they are reinfiltrating rain gardens that capture flow from impervious surfaces, treat them, and reinfiltrate them back into the ground.

D. Landry asked about ownership and marketing of the single-family homes.

C. Berry noted they are on their own lots and will be sold as normal homes would. The 4-unit townhouse structures are also expected to be on the open market and sold.

STAFF RECOMMENDATION:

Chapter 157-17 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations.

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

Condition 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 signature and stamp of LLS and CWS
 - b. The owners' signatures for recording at Strafford County Registry of Deeds.
 - c. Revising the Planning File #P21-67
 - d. Add the setbacks for the lots shown on the plan

Motion: D. White moved to approve the Lot Line Adjustment Plan with conditions, as the request is consistent with the regulations. Seconded by F. Torr. Vote: U/A.

STAFF RECOMMENDATION:

The plan is consistent with Chapter 157-15 of the City's Land Subdivision Regulations, which provides for subdivision of existing lots, and by following the TDR ordinance in Chapter 170-27.2.G.

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 Board acknowledges the merger of the two lots.
2. The TDR fees shall be paid, as invoiced with the notice of decision, with a credit for the 4 previously paid units.
3. The Planning Director, in consultation with the City's General Legal Counsel, will review and approve the condominium association documents to ensure private road, stormwater



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infrastructure maintenance, buffer and common space, prior to converting ownership and maintenance obligations, and deed/easement requirements per Section 170.27.2.

4. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - a. Add signature and stamp of LLS and PE
 - b. Add owners' signatures for recording at Strafford County Registry of Deeds
 - c. Add permit numbers

Condition to be Met Prior to Construction Activities:

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

Conditions to be Met Prior to Building Permit:

6. The new dwellings shall be assessed and pay the current Water and Sewer Investment Fees in place at the time of application for service.
7. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work, for the not site plan items

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 COA 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.

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

STAFF RECOMMENDATION-Waiver:

Section 153-21 of the Site Plan 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."

Staff believe criterion 1 has been met the overall goal is to reduce light pollution an impact on abutting properties, while providing a safe site.

STAFF RECOMMENDATION Waiver:

The Planning Department recommends the Planning Board vote to grant the waiver with the following conditions:

1. Add a note to the plat that the Board granted a waiver to Chapter 153-14.E (b) (lighting) and found the criteria of Chapter 153-51.A have been met.



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Amended

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, January 11, 2022**
Meeting Time: **7:00 pm**

Motion: D. White moved to grant the waiver to Chapter 153-14.E (b) with one condition. Seconded by F. Torr. 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 that the Planning Board vote to approve the site plan with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The TDR fees shall be paid, as invoiced with the notice of decision, with a credit for the 4 previously paid units.
2. The applicant shall provide
 - a. The letter to serve from Eversource and City of Dover.
 - b. A sample sales listings or lease and sample deed restriction for the affordable units
 - c. Draft easement language for review and approval
 - d. Confirmation from the Dover Post Master regarding mail delivery
3. A Development Agreement shall be signed between the City and the Applicant regarding payment made for a portion of the passive and the active recreation and the construction of the pedestrian improvements on Bellamy which shall be an equivalent amount to the full crosswalk improvements shown on the submitted plan be used towards pedestrian improvements.
4. The Planning Director, in consultation with the City's General Legal Counsel, will review and approve the condominium association documents to ensure private road, stormwater infrastructure maintenance, buffer and common space, prior to converting ownership and maintenance obligations, and deed/easement requirements per Section 170.27.2.
5. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - a. Add signature and stamp of PE, LLS and LLA
 - b. Add owners' signatures for recording at Strafford County Registry of Deeds
 - c. Add permit numbers
 - d. Remove crosswalk and all related improvements
 - e. Revise exits of redeveloped barn to be placed at the front and rear (long sides)
 - f. Remove garage portion (approximately 24' long) of the existing barn closest to 65A Bellamy.

Conditions to be Met Prior to Construction Activities:

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

Conditions to be Met Prior to Building Permit:

7. The applicant shall provide payment for active and a portion of the passive recreation
8. The new dwellings shall be assessed and pay the current Water and Sewer Investment Fees in place at the time of application for service.

Conditions to Be Met Prior to Occupancy for the multifamily buildings:

9. Issuance of the Certificate of Occupancy.
10. Documentation that the COA has been created and is in place.
11. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.



DOVER PLANNING BOARD – MINUTES

Amended

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12. Impact fees per unit shall be paid per the invoice attached to the Notice of Decision.

Discussion occurred about the proposed mid-block crosswalk.

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

G. Discussion of Land Use Amendments/Goal setting

D. Benton introduced Natasha Kypfer, Dover's new Assistant City Planner and Zoning Administrator. She then noted that each January staff begins a list of potential amendments either they have found or others including Board members have brought up for discussion. A list was included in the packets and asked for initial thoughts on the list provided, if they were worth staff drafting the language for, or if there were any other requests they would like staff to work on.

The board discussed/ asked clarifying questions about the proposed changes listed and gave input for other topics to review.

6. STAFF COMMENTS

- D. Benton updated the Board on:
 - The only TRC since the last meeting was December 16 which was for 47 Chestnut Street which needs to come back for a second TRC.
 - The Board should be seeing the Waterfront Development Site in February or March.
 - D. Benton congratulated Christopher Parker who was promoted to Deputy City Manager last week and is now part of the Executive Department.

7. MEMBER COMMENTS

- The Chair signed the site plans for 54 Back River Road, One First Street, Q LLC, Severino Extraction Permit, and a Development Agreement for One First Street's CUP.
- F. Torr complimented C. Parker and his work for the Planning Department for Dover
- K. Pimental
 - has been with the Planning Commission for 12 years and over that time C. Parker has been a mentor to multiple people in that organization.
 - With relation to the public comments about schools overflowing with the new developments being proposed, it would help to have some data on current and past trends with families – how many kids they are having/ when they are having kids because it seems families are having less children now than previous generations and having them later in life. He doesn't think the schools are actually going to be as overrun as citizens believe they will.
 - D. Benton noted they look at the data periodically and next year is one of those years. She can ask the schools if they have any interim information.
- Multiple board members commented they had difficulty hearing speakers tonight who were at the podium. People need to speak directly into the microphones. The masks and air blowers in the room make it even more difficult, so please have speakers stand directly in front of the mic. Staff will also check if there are microphone controls that will bring the volume up.

8. ADJOURNMENT

Motion: D. White moved to adjourn at 11:12pm. Seconded by D. Landry. Vote: U/A