

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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

Members Present: Gina Cruikshank (Chair), Mark Speidel, Hayley Harmon (Vice Chair), Fergus Cullen (Councilor), Tom Clark, Kyle Pimental, Frank Torr, Dave Landry, Stephanie George (Alternate)

Members Not Present (excused): Erinn Kaspari (Alternate), Jackie Walker (Alternate)

Members Not Present (un-excused): None

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

G. Cruikshank called the meeting to order at 7:00 p.m. and noted that Stephanie George will sit for the vacant Administrative position. The new City Engineer should be set for the next meeting.

1. CITIZENS' FORUM

Citizens Forum Open

Gary Lane, 130 Emerald Ln is concerned about the change proposed for reducing setback requirements in the open space subdivisions in the R40 zone.

Christopher Parker, Deputy City Manager represented the Office of Business Development and DBIDA and spoke in support of two proposed zoning amendments for clarifying and detailing Vehicle Refueling and Recharging and Self-storage. He also supported the amendment for the outbuilding setback in Open Space Subdivisions.

Sarah Brunt, 96 Emerald Ln expressed her concerns about the proposed setback changes to the open space subdivisions in the R40 zone.

Citizens Forum Closed

Motion: F. Cullen moved to suspend the rules for additional public comment. Seconded by H. Harmon.
Vote U/A

Jack Mette, 56 Rutland discussed zoning amendments relative to heritage residential and gateway standards. He is happy with the consideration given to the heritage residential district and is in favor. He is concerned about the height of the buildings in the gateway district (Rutland St) He would prefer all buildings there are only two stories maximum.

Laurie Smith, 36 Fisher St is thrilled to see the expansion of the Heritage district.

Lauren, 54A Rutland St moved in a year ago and agrees with Mr. Mette's statements.

Melissa Henerberry, 26 Fisher St agreed with the previous speakers. She is concerned about light and noise pollution which is greatly increased.

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

February 22, 2022 Regular Meeting Minutes

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

3. OLD BUSINESS

None



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4. NEW BUSINESS

- A. Consideration and acceptance of a Subdivision using Transfer of Development Rights for DRVP Developers, LLC, Assessor's Map 14, Lot 10-G, zoned R-12, and located at Porch Light Drive. (Proposal is to convert existing 10 lot subdivision to a 9-lot subdivision with duplex construction and purchasing an additional 2 units using TDR). *(P19-80B)

D. Benton explained that the applicant is before the Board to revise a previously approved subdivision plan. On February 25, 2020 the Board approved the application for a subdivision of a vacant 5.25 acre lot on Cataract Ave.

In 2021, the Planning Board recommended to the City Council and the City Council approved an amendment to allow duplexes in the R-12 district by right. The applicant is coming back to the Board to reduce their previously approved subdivision from 10 lots to 9 lots. The applicant previously purchased two units, using TDR, and is now requesting to purchase another two units to total 18 units or 9 duplex lots.

The site is served by municipal water and sewer and was reviewed by the Technical Review Committee most recently on January 16, 2020. The roadway and utilities have been installed and there is not further disturbance for infrastructure.

The application did not return to Technical Review, as there is a reduction in lots, and where a single family and two family would be allowed by right, it was felt that there was no additional burden created. Previously a waiver was granted for the road length. The staff memo references re-approving that. Upon review it was determined that as the road has been constructed and is not being altered, the previous waiver is still valid.

If the plan is approved it would supersede the previous approval.

The Board will need to vote to grant the additional two units, and vote to amend the subdivision plan.

Christopher Berry, Berry Surveying and Engineering, represented the application. He noted the roadway, sidewalks, curbing and utilities are all in. They are asking the board to approve a reconfiguration of the two lots closest to Cataract, purchase two additional units to construct a duplex, and reduce the project by one lot.

F. Torr asked if there is a rendition of the proposed design of the structures. Mr. Berry said he doesn't have one, but the developers have done an identical project on Dover Point rd.

D. Landry asked about the open space and what level of restrictions and qualifications it has. Mr. Berry clarified which spaces are untouched and that some have drainage.

Mr. Berry confirmed each of the utilities as originally proposed are still sufficient to handle the duplexes.

Mr. Berry confirmed for M. Speidel that these homes will be for sale- not for rent.

Motion: F. Torr moved to accept and declared no regional impact. Seconded by T. Clark. Vote: U/A.

Public hearing opened.

Dennis Cholewinski, 43 Cataract is concerned about various impacts: cars/traffic, volume of snow removal, noise pollution, water table flooding and drainage, setbacks from the river, front setbacks for the homes.



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Gloria Cody, 43 Cataract is concerned that about the density (doubling the number of homes on the street), the character of the neighborhood, all of the trees are gone, the land is very wet and swampy. Single family homes are ok, but the duplexes will change the neighborhood.

Cecile Jacobsmeyer, 40 Cataract is concerned about the 10' setback to her home which has already been granted, additional vehicles, updated traffic study is needed, the notice of the meeting was received only a week before.

William Jacobsmeyer, 40 Cataract is concerned about the proposal for duplexes in this neighborhood, proposed density for the neighborhood, actual square footage of the lot and whether the minimum lot size allows for a subdivision.

Public Hearing closed.

Mr. Berry addressed public comment:

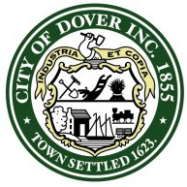
- 5-acre minimum is for open space subdivision. This is not an open space subdivision
- Traffic analysis being used for this project that was approved in 2020 was done by his company in 2019. They found that the intersection of Bellamy and Cataract could use improvement and made suggestion of small infrastructure changes that could be made. Part of the proposed project includes some improvements to that intersection.
- The stormwater pond that was installed is dry because it doesn't have storm water drainage directed to it yet. As the project gets built out, houses built and land around the homes graded, those ponds will fill. There is also no vegetation yet.
- There is a 50' wetland buffer and a 100' conservation zone around the river. That's not shown on the plan because it extends well beyond the limits of the proposed disturbance.
- The proposed duplexes are not proposed to be any larger than the single-family homes. There will be uniformity throughout the development.
- There is an HOA in place and each structure will be 2-3 bedrooms each.
- Snow removal maintenance plans remain as originally planned.
- There was a lot-line adjustment done between two pieces which changes the square footage as has the river

D. Benton addressed some comments:

- Notice signs on the property are not required, but Dover has started doing this for Planning Board/ TRC.
- Notifications for this meeting were the same as the original subdivision hearing unless owners have moved in or out. The same homes would have been notified again.
- Condos are allowed in Dover

D. Landry clarified and confirmed that what's allowed in that area is 14 units. From there he considers if the purchased units being requested is too many for the area. He does not think the extra four units causes enough concern to stop the project.

K. Pimental asked if any of the driveways/ impervious spaces need to change with the new proposal. Mr. Berry noted two of the driveways need to change in location, but not in area.



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STAFF RECOMMENDATION - TDR:

Chapter 170-27.2 provides for additional density to be purchased through Transfer of Development Rights. This application is consistent with those regulations and the Planning Department recommends that the Planning Board vote to approve the selling of two additional units through TDR with the following condition:

Condition to be Met Prior to Granting the TDR:

1. Payment of the TDR fee (\$26,804)

Motion D. Landry moved to approve the sale of the two units as they meet the criteria outlined. Seconded by M. Speidel. Vote: U/A

STAFF RECOMMENDATION - Subdivision:

The plan is consistent with the provisions of Chapter 157-15 of the Land Subdivision Regulations of the City Code which provides for subdivisions of existing lots. The Planning Department recommends that the Planning Board vote to approve the amended subdivision with the following conditions:

Conditions to be Met Prior to the Signing of the Plans:

- 1) All conditions for P19-80 and P19-80A still be addressed including before Building Permit and Occupancy.
- 2) Add a note to the plan that this approval supersedes the previous approval.
- 3) Revise note 9 regarding units to be size restricted.
- 4) Add note about previous CUP (P19-81) for work in wetland and wetland buffer was approved.
- 5) Submit revised HOA documents to be reviewed by the Planning Director with consultation from the City Attorney.
- 6) Add Planning File P19-80B to the final plan set.

F. Torr had some questions about the roadway, noise, and sewer and water connections will be individual to each unit. This was all confirmed by Mr. Berry and already in the previous approvals.

Motion D. Landry moved to approve the site plan application with the recommended conditions. Seconded by M. Speidel. Vote: U/A

- B. Consideration and possible vote on posting the proposed Amendments to Chapter 153 (Site Review Regulations). The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under meeting materials and on the Planning Department page.

D. Benton reviewed the amendments and noted that they can be amended once posted, but posting the amendments starts the public notice period. The amendments include:

- Clarifying number of paper copies for the TRC review
- Removing the requirement for an applicant to provide abutter information
- Updating the parking table to include the CBD –TOD district (formerly within the zoning code)
- Clarifying the TRCs ability to approve minor site plans

D. Landry noted it might be worth setting up a committee to look into wildlife changes rather than include those changes here.



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C. Consideration and possible vote on posting the proposed Amendments to Chapter 157 (Land Subdivision Regulations). The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under meeting materials and on the Planning Department page.

D. Benton reviewed the amendments and noted that they can be amended once posted, but posting the amendments starts the public notice period. The amendments include:

- Removing the requirement for an applicant to provide abutter information
- Clarifying outbuilding setbacks in the Open Space Subdivisions
 - This update codifies the practices Staff currently follows. The change would codify that outbuildings shall follow the underlying zoning. (10ft setbacks for outbuildings in open space subdivisions if allowed in the underlying zone similar to other lots in the R-40 that are not in Open Space Subdivisions)

D. Landry noted he lives in a great open space subdivision. They are not all the same. The lot sizes can vary greatly. Outbuildings can be quite large by right. He is in support of the 20' setback just like the 50' rear setbacks. He is strongly against this proposed change.

Chair Cruikshank asked if City Attorney has seen these and approved them.

D. Benton does not believe that process has occurred. She also noted that the board can table these or vote to post them separately as it sees fit.

K. Pimental asked if the applicant can be asked to both review and verify the abutters lists that are generated by the City.

He asked the board members if they prefer to leave the amendment about the setback as written or make a change to it before it gets posted.

D. Landry doesn't have a problem with posting them, but he does not want to make the proposed change regarding the setbacks for open space subdivisions

M. Speidel agrees with D. Landry to strike that amendment and then post 153 and 157.

D. Benton clarified what the current practice is and what the amendment would change.

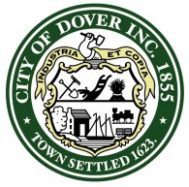
Motion: D. Landry moved to strike footnote 1 (open space subdivision setback) from the amendment. Seconded by K. Pimental. Vote: U/A

Motion: M. Speidel moved to post the amendments to 153. Seconded by D. Landry. Vote: U/A

Motion: M. Speidel moved to post the amendments to 157 as revised tonight. Seconded by F. Torr. Vote: U/A

D. Consideration and possible vote on posting the proposed Amendments to Chapter 170 (Zoning). The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under meeting materials and on the Planning Department page.

D. Benton reviewed the amendments and noted that they can be amended once posted, but posting the amendments starts the public notice period. In the past with zoning amendments there has been some items that have been posted and then reposted if changes are needed. The amendments include:



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- Rezone a portion of Rutland Street from Gateway to Heritage Residential
- Rezone a portion of Rutland Street from R-12 (Medium Density Residential) to Heritage Residential
- Updating and revising the requirements for Vehicle Refueling and Recharging Station and Auto Service Stations in the CM and C district
- Updating and revising the requirements for self-storage facilities in the CM district
- Clarify the Gateway district's notations, including the relationship to the Architectural Standards
- Adding the portion of Rutland Street within the Gateway to the restrictions previously applied for Dover Point and New Rochester Roads.
- Clarify that in the CBD parking must be below grade to get the height bonus and that commercial should be 20% of the building, or located on the ground floor.
- Add solar panel/green roof requirements in the CM, C and IT districts
- Revise the Wetlands Protection District as per the subcommittee report
- Update a reference in the sign code to section O not Q

D. Landry and K. Pimental gave more in-depth information about the wetlands revisions and how they were developed. They answered some questions of board members and clarified that a full presentation and opportunities for questions of the wetland scientist can occur at a meeting after the amendments are posted.

The board discussed the amendment to the Rutland St acreage/ story height.

Motion: T. Clark moved to accept the recommended amendments regarding self storage and vehicle refueling and post those amendments. Seconded by D. Landry. Vote: U/A

Motion: F. Cullen moved to table the rest of the 170 amendments for further review. Seconded by T. Clark. Vote: U/A

5. STAFF COMMENTS

- TRC was held on 239 Knox Marsh Road, Unitil at 55 Applevale, a subdivision at 53 & 65 Tolend Road and 22 Sun Hawk Lane, and the waterfront is this week.
- New City Engineer, Ken Mavrogeorge started today, and staff look forward to working with him
- Congratulations to Chief McShane on being appointed the Fire Chief.

6. MEMBER COMMENTS

- The Chair signed plans for the project at American Durafilm, Ben Airey's CUP on Washington Street and Saddle Trail Drive LLA
- The Chair received an email from the Commissioner of NHDES noting there can be up to four Dover representatives on the Cochecho River local advisory committee. There are currently only two, so two more can be appointed. If interested, let her know.
- K. Pimental thanked folks for their work on the storm water utility ordinance
- M. Speidel congratulated K. Pimental on an award he received

7. ADJOURNMENT

Motion: M. Speidel moved to adjourn at 9:17pm. Seconded by D. Landry. Vote: U/A