

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, March 22, 2022**
Meeting Time: **7:00 pm**

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

Members Not Present (excused): Jackie Walker (Alternate), Stephanie George (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 welcomed Ken Mavrogeorge to the Board.

1. CITIZENS' FORUM

Citizens Forum Open

Matt Cox, 33 Fisher spoke about the proposed zoning changes to the Gateway district. There should be regulations in historic neighborhoods. He suggested the height of the buildings, the density and the buffers should resemble the neighborhoods in these transition areas.

Laurie Smith, 36 Fisher thanked the board for proposing the zoning changes to the Rutland St. area. Most homes on Fisher are 100-200 years old and she is concerned about density/ height variance with new development there. She would like the Heritage zone to extend up Fisher to Locust St.

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

March 8, 2022 Regular Meeting Minutes

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

3. OLD BUSINESS

A. 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 went over some changes to the Zoning Amendments since the Board's last meeting. She removed the two amendments that were posted at the last meeting. She reviewed the changes that have been made since the last meeting.

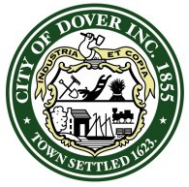
If the Board desires, they could discuss then vote to post any or all of them. She would recommend tabling the wetlands to allow for some feedback from developers and engineers who are running some examples to indicate the impact of the wetlands amendments in time for their April 12th meeting but would recommend posting the rest tonight.

D. Landry is opposed to tabling the wetlands portion. There have been several meetings about these changes, and no one has come forward to speak yet so there's no reason to hold up the process.

T. Clark noted it's easier to postpone posting the amendment than it is to make a change after the amendment has taken effect so if there is relevant information coming to the board at the next meeting, he has no issue tabling the wetlands.

F. Torr agrees with T. Clark. The Board should look at it again. It will affect property owners and restrict them from developing. There's no harm waiting a short time longer.

D. Benton clarified the grant the sub-committee has been working off of has an engagement piece and there are multiple outreach methods in the works.



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K. Pimental noted if/ when we hold the special meeting about the wetlands amendments, the wetlands scientist who was part of the sub-committee should be present to answer technical questions that come up.

Board members confirmed and clarified details of the amendments with staff.

D. Landry suggested a small sub-committee to look at the gateway district and brainstorm before applications start coming in.

M. Speidel agreed with D. Landry that this topic should be discussed more in-depth at a sub-committee level and he volunteered to be on it.

Motion: T. Clark moved to table the wetland portion of the zoning ordinance. Seconded by H. Harmon.
Vote: U/A

Motion: T. Clark moved to post the remainder of the amendments as submitted with the clarification of what constitutes an abutting structure. Seconded by M. Speidel. Vote: U/A

B. NEW BUSINESS

A. Consideration and acceptance of a Minor Lot Line Adjustment for Unutil, (Owners: Hennessey Revocable Trust of 2008 and Northern Utilities Inc), Assessor's Map K, Lots 17-P-3 and 18-Y, zoned R-12, located at 55 Applevale Drive & 31 Kent Avenue. *(P22-13)

B. Consideration and acceptance of a Site Review for Unutil, (Owner: Hennessey Revocable Trust of 2008), Assessor's Map K, Lot 17-P-3, zoned R-12, located at 55 Applevale Drive. (Proposal is to build a new natural gas regulator station off of Hawthorne Rd). *(P22-14)

The Vice Chair noted Items 4A and 4B would be heard together.

D. Benton explained that the applicant is before the Board to revise a lot line moving the location of one lot from a small lot at 31 Kent to a lot accessed off Hawthorne that will receive a Hawthorne address. This would allow for existing easements to be abandoned. Then a site plan is before the Board to build a new natural gas regulator station which would replace two existing ones. The applicant is requesting two waivers: one to not submit a Traffic Impact Analysis and secondly a full landscape plan. This site plan went to TRC on March 3rd, 2022 and the applicant is here with a short presentation.

Tracy Sweeny, Sheena Mason, Matt Pelletier, Unutil represented the applications and owner Berry Hennessey was also present.

Ms. Mason presented the application which is to replace two existing stations with a new consolidated station which will be up to current codes and standards.

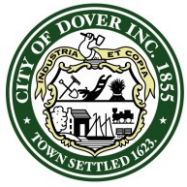
T. Clark suggested the surrounding fence be 8' high. The applicant did not have an issue with that.

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

Public hearing opened.

No one spoke

Public Hearing closed.



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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:

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 signature and stamp of LLS
 - b. The owner's signatures for recording at Strafford County Registry of Deeds.
 - c. Revising the Planning File Number to #P22-13 on the LLA plan sheet

Motion F. Torr moved to approve lot line adjustment with the recommended conditions. Seconded by T. Clark. Vote: U/A

STAFF RECOMMENDATION – Waivers:

Section 153-21 of the Land Subdivision 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 2 has been met as the existing site is heavily vegetated and the expansion is in the rear of the building.

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

Condition to Be Met Prior to the Signing of Plans:

1. Add a note to the plat that the Board granted a waiver to Chapter 153-13.A(19)(traffic study) and Chapter 153-14.G)(landscaping) and that the Board found the criteria of Chapter 153-21.A have been met.

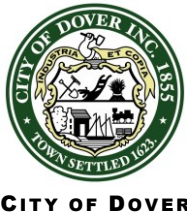
Motion: F. Torr moved to grant the waiver requests with the condition. Seconded by T. Clark.
Vote: U/A

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 to vote to approve the site plan with the following conditions as the plans meet the regulations outlined:

Conditions to Be Met Prior to the Signing of Plans:



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1. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - a. Signature and stamp of PE and LLS
 - b. Owner's signature
 - c. Show curb reset per Engineering TRC comment
 - d. Combine into one stapled plan set for final approval
 - e. Add provided column to note 4 on sheet 6
 - f. Revise site plan to an 8' fence and deer-resistant arborvitae
2. Provide draft easement documents

Conditions to Be Met Prior to any Construction Activity:

3. Obtain a Driveway Permit per the Community Services Director
4. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Deputy City Manager

Conditions to Be Met Prior to Occupancy:

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

Motion F. Torr moved to approve the site plan application with the recommended conditions. Seconded by T. Clark.

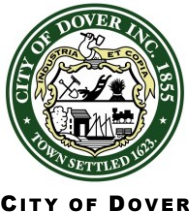
The board discussed whether to require a maintenance plan. There was verbal consent of the applicant to maintain the grass areas out in front of the property therefore no maintenance plan was deemed required.

Vote: U/A

- C. Consideration and acceptance of a Conditional Use Permit for Todd Diggins and Krystin Ward, (Owners: Todd Diggins and Krystin Ward and the Wentworth Terrace Condominium Association), Assessor's Map 8, Lot 32, zoned R-20, located at 3 Wentworth Terrace. (Proposal is to construct a 975 square foot addition to include an accessory dwelling unit, creating 3,966 square feet of disturbance to the Conservation District). *(P22-08)

D. Benton explained that the applicant is before the Board to grant a Conditional Use Permit to allow an addition which would include an accessory dwelling unit to the house located on the river side of 3 Wentworth Terrace is currently in a condo association so the condo association and residence owners both signed the application. The granting of the CUP would also allow relief to the build to line requirement for lots along a tidal waterway. Staff has added one more condition of approval not seen on the staff memo which is to provide a maintenance plan for the porous pavers which was a condition of the Conservation Commission endorsement at their February 14, 2022 meeting.

Ian McKinnon, Jones and Beach, represented the application. Wetland and shoreline permits will be submitted to DES this week. The existing structure will remain, and the addition added. It will not be any closer to the tidal line than the house currently is. The proposal is to remove the patio and driveway and replace them with porous pavers which will reduce the impervious services on the site by about 800sf. There will be a maintenance plan for the pavers which includes winter specifications. He read through an email from the primary engineer to help explain how the applicant meets the criteria for CUP.



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

Public hearing opened.

No one spoke

Public Hearing closed.

The homeowner confirmed the first floor will become the ADU/ in-law unit and the added square footage will be the second story space for the homeowner's use for K.Pimental's question about sea level rising.

STAFF RECOMMENDATION:

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 and located the addition further from the river than the principal building and is using porous pavers and reducing the amount of impervious surface on the site currently. A soil and erosion control plan has been submitted, state and federal approvals have been applied for, and the Conservation Commission has endorsed the application.

The Planning Department recommends the Planning Board vote to approve the Conditional Use Permit with the following conditions, as the plans meet the standards outlined:

1. Copies of the NHDES Wetlands Permit and NHDES Shoreland Permit be submitted to the Planning Department and added to the plan set coversheet.
2. A maintenance plan for the porous pavers be submitted to the satisfaction of the Planning Director and noted on the plan.

Motion F. Torr moved to approve Conditional Use Permit with the recommended conditions. Seconded by T. Clark. Vote: U/A

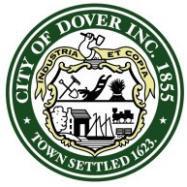
D. Consideration and vote to abolish the Climate Forum Planning Committee.

D. Benton noted the memo in the packet. The committee was created last year and accomplished what they were hoping to and are seeking to be abolished.

Motion: M. Speidel moved to abolish the Climate Forum Planning Committee. Seconded by: D. Landry. Vote: U/A with K. Pimental abstaining.

5. STAFF COMMENTS

- Climate Forum flier in lieu of meet and greet for boards, they are hosting an online event 4/7/22.
- If interested in Sub-committee for Gateway district, let Donna or Gina know
- Two new planners starting in April on the 6th and the 11th.
- TRC's held: Waterfront which the Board will see second meeting of May, 757 Central Ave doing 9 units, and 47 Chestnut Street



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- TRC's coming up: Bluebird Storage on Littleworth Road this week, 48 Whittier and Oak Street waiver request that would then come to Planning Board

10. MEMBER COMMENTS

- The Chair signed plans for the City's water tower.
- Last chance on Local Advisory Committee to let Donna Benton know if anyone is interested.
- D. Landry noted this is his last meeting as his term is up. It's been a pleasure, honor and privilege to be on the board.
 - D. Benton and Chair Cruikshank thanked D. Landry for his service on the board and look forward to working with him through NRPC and wetlands committee.
- F. Torr asked if the wetlands meeting will be a separate meeting or part of a regular meeting. D. Benton suggested it be a separate meeting or start a meeting an hour earlier. The board members will email Donna with their preferences.
- F. Torr congratulated Erinn and Jackson on their wedding.
- K. Pimental wondered if the open space subdivision setbacks can be discussed again. Yes, the board voted to post them and there will be public hearings at the April 12th meeting.

11. ADJOURNMENT

Motion: F. Torr moved to adjourn at 8:27pm. Seconded by D. Landry. Vote: U/A