

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, May 10, 2022**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Hayley Harmon (Vice Chair), Mark Speidel, Ken Mavrogeorge, Frank Torr, Erinn Kaspari, Dennis Shanahan (Deputy Mayor)

Members Not Present (excused): Tom Clark, Stephanie George (Alternate), Fergus Cullen (Councilor), Kyle Pimental

Members Not Present (un-excused): None

Staff Present: Donna Benton, Director of Planning and Community Development and Mike Asciola, City Planner

G. Cruikshank called the meeting to order at 7:00 p.m. and noted Deputy Mayor Shanahan will sit for Councilor Cullen and Erinn Kaspari will sit for Kyle Pimental.

1. CITIZENS' FORUM

Citizens Forum Open

No one spoke

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

April 26, 2022 Regular Meeting Minutes

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

3. OLD BUSINESS

None

4. NEW BUSINESS

A. Consideration and acceptance of a Conditional Use Permit for Colin Robinson, NB+C agent of Crown Castle for Dish Wireless, (Owner: Andrew James, A/K/A Vertical Realty Properties Co and City of Dover), Assessor's Map 28, Lot 32, zoned H, located at 10/15 Abbey Sawyer Memorial Drive. (Proposal is to install antennas, ancillary tower and ground equipment at wireless facility with no change to structure height or ground space.) *(P22-26)

D. Benton noted this item was continued from the last meeting. The application is to add some antennas, tower, and ground equipment to the existing telecommunications tower on Garrison Hill which requires a Conditional Use Permit.

Jim Andrews, Vertical Realty Properties Co and Colin Robinson, Network Building + Consulting, represented the application.

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

Public hearing opened.

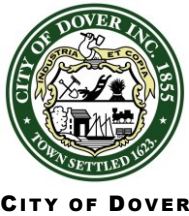
No one spoke

Public Hearing closed.

STAFF RECOMMENDATION – Conditional Use Permit:

The Planning Department recommends the Planning Board vote to grant the Conditional Use Permit with the following condition:

1. The Applicant provide proof of insurance, bond estimate and guarantee acceptable to the City Engineer and Director of Planning and Community Development.



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

The Vice Chair noted Items 4B, C, and D will be heard together.

- B. Consideration and acceptance of a Conditional Use Permit for Redgate Real Estate Advisors, LLC., (Owner: Harlech, LLC.), Assessor's Map 31, Lot 5, zoned CBD-TOD, located at 47 Chestnut Street. (Proposal is to construct a 173-unit multi-family residential building with a restaurant and requesting relief for the side setback of 37.2' whereas 10'-25' is required, a rear setback of 51.9' whereas 0'-25' is required, frontage build-out of 66.14% whereas 80% is required, and a minimum lot coverage of 33.52% whereas 75%-100% is required)*(P21-85)
- C. Consideration and acceptance of a Conditional Use Permit for Redgate Real Estate Advisors, LLC., (Owner: Harlech, LLC.), Assessor's Map 31, Lot 5, zoned CBD-TOD, located at 47 Chestnut Street. (Proposal is to construct a 173-unit multifamily residential building with a restaurant and requesting relief for solar/green roof standards proposed of 10,767 sf or 20.8% where 14,458 sf or 30% is required.)*(P22-29)
- D. Consideration and acceptance of a Site Review for Redgate Real Estate Advisors, LLC., (Owner: Harlech, LLC.), Assessor's Map 31, Lot 5, zoned CBD-TOD, located at 47 Chestnut Street. (Proposal is to construct a 44,977 sq.ft. multi-use building consisting of 173 residential units, a restaurant, amenity spaces and common areas.)*(P21-84)

D. Benton noted the applicant is before the Board tonight for an infill development project at 47 Chestnut St which historically was a warehouse and retail use but mostly vacant for 3 years. The proposed project is to demolish the existing building and build a new building with 173 residential units and 2,500 s.f. restaurant with amenity and common space. The applicant went to Conservation Commission for a Dredge and Fill application which DES issued on April 20th and to TRC on December 16, 2021 and March 17, 2022. All required parking is provided on-site.

There are two CUP applications before the Board tonight. The first is for some dimensional requirements and the second is for the percentage of green roof area.

FX Bruton, Bruton and Berube, Erik Saari, Atus Engineering, Inc, Ben Thomas, Arrowstreet Architect and Jen Martel, Copley Landscape Architects represented the applications.

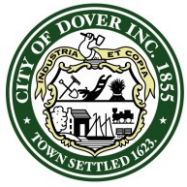
Mr. Bruton described the site for the project. He explained what the proposed project includes: 173 units (majority 1-bedroom and studios), public lookout over the river with public art, restaurant, dog park, movie screen, grilling stations, outdoor seating, dog wash station, fitness areas, bike storage and fire pits for the residents.

Mr. Saari will discuss the improvements such as the intersection and drainage.

Mr. Bruton addressed the CUP requests and the reasons for requesting the divergence from the requirements.

Mr. Bruton clarified some details for M. Speidel regarding access and locations of various amenities.

Mr. Saari answered questions of the board regarding snow areas, disturbance of the embankment and parking space numbers and locations. He also presented information about the proposed storm water drainage and noted no negative traffic affects came out of the traffic study, though they are proposing to reconfigure the intersection and adding a crosswalk. All utilities are underground.



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Ms. Martel discussed items in the landscape plan.

Mr. Thomas gave a few details regarding the architecture.

Motion: F. Torr moved to accept and declared no regional impact for all three applications. Seconded by M. Speidel. Vote: U/A.

Public hearing opened.

Ryan Crosby, 26 Shore Ln and Executive Director of the Dover Housing Authority which is an abutter to this property spoke about how this area has traditionally been underutilized and it's exciting there is a proposal to develop it. He is offended and concerned that the proposed project does not include any affordable housing. He asks the Board and the developer to consider adding affordable units. The governor has set aside money that developers can use in 2022 to build affordable housing. Mr. Crosby has met with project counsel, and they are not willing to look into this option.

Public Hearing closed.

D. Benton noted staff is working to obtain more attainable housing in Dover. Initially the applicant proposed a six-story structure which would have required a CUP where a condition could have been affordable units, but the proposed structure now meets height requirements. There's currently nothing in the regulations requiring this project to incorporate affordable units.

STAFF RECOMMENDATION-Dimensional CUP

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 following standards.

Planning staff finds that all Conditional Use Permit requests are reasonable requests. They are caused by circumstances that are unavoidable and seek the least relief necessary as outlined below:

The **side setback** relief on the northern boundary is needed due to the sewer easement along the southern property boundary to allow for vehicular access.

The **rear setback** relief is facilitated by the large lot size as well as locating the building close to Chestnut Street and away from the environmentally sensitive areas.

The **minimum frontage buildout** is not being met due to the existing signaled traffic entrance to the north and the sewer easement to the north.

The **minimum lot coverage** is not being met due to the large 3.64 acre lot size, which is larger than the typical CBD-TOD lot and provides for all required onsite parking. Furthermore, the existing City sewer easement and steep slopes prevent building construction and contribute to the lower lot coverage of the site.

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:

Conditions to Be Met Prior to the Issuance of the CUP:

1. Revise Plan Set to add:
 - 1.1. permit numbers once received
 - 1.2. note previous variance and CUP approvals



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2. A Development Agreement be signed and recorded at the Strafford County Registry of Deeds.
3. The Site Plan Application (P21-84) and CUP (P22-29) are approved.

D. Shanahan noted Mr. Crosby's comments are not falling on deaf ears. It doesn't look promising for this project, but staff is always looking for ways to add affordable housing. He encouraged him to continue speaking about the topic to anyone who will listen as it is an important topic.

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

STAFF RECOMMENDATION-Solar CUP:

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 following standards.

Planning staff finds that the Conditional Use Permit request is reasonable due to the following:

- at grade landscape improvements allowed by locating the mechanical equipment on the roof;
- energy efficient design of the building;
- potential for future solar technologies; and
- unique characteristics of the redevelopment plan, which brings the property close to compliance with all standards of the CBD-TOD district and its spirit.

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:

Conditions to Be Met Prior to the Issuance of the CUP:

1. Revise Plan Set to add:
 - 1.1. permit numbers once received
 - 1.2. note previous variance and CUP approvals
2. A Development Agreement be signed and recorded at the Strafford County Registry of Deeds.
3. The Site Plan Application (P21-84) and CUP (P21-85) are approved.

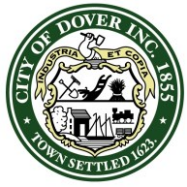
Motion: M. Speidel moved to approve Conditional Use Permit with the recommended conditions. Seconded by D. Shanahan. Vote: U/A

STAFF RECOMMENDATION-Site Plan:

The Planning Department recommends the Planning Board vote to approve the Site Plan with the following conditions, as the plans meet the standards outlined:

Conditions to Be Met Prior to the Signing of Plans:

1. The applicant shall provide a letter from a Licensed Pest Control Specialist regarding if a pest management plan is needed.
2. The Conditional Use Permits are granted
3. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - 3.1. Signature and stamp of PE, LLA, and LLS
 - 3.2. Owner's signature
 - 3.3. The following revisions to sheet C-3



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- 3.3.1. Provide 2"x2" space for Dover's approval stamp
- 3.3.2. Revise note 10 to include permit numbers
- 3.3.3. Revise note 5 to include note about public access to viewing platform within the sewer easement
- 3.3.4. Revise note 6 to indicate the CUPs are granted.
- 3.3.5. Revise note 25 to reference IBC, ANSI-117.1
- 3.4. Revise sheet C-2 to note the removal of the streetlight.
- 3.5. Revised streetscape which match the site plan
4. A development agreement shall be entered into regarding offsite improvements including sewer easement extension, traffic signal and ROW improvement.
5. Public art proposed location be presented to Dover Arts Commission and Planning Staff and added to the site plan.

Conditions to Be Met Prior to any Construction:

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. Site Construction sign shall indicate level of visibility/noise/vibration disturbance anticipated each day.
7. If pest control is required, the plan shall be implemented with proper monitoring.

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

8. Water and sewer investment fees shall be paid at the time of request of service.
9. Public art installation presented to the satisfaction of the Dover Arts Commission and Planning Staff.

Conditions to Be Met Prior to Occupancy:

10. Issuance of a certificate of occupancy.
11. Impact fees shall be paid per the invoice included with the Notice of Decision.
12. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
13. Public art is installed and public improvements per the Development Agreement completed.

F. Torr noted the project will be a major improvement to the area.

Motion: M. Speidel moved to approve Site Plan with the recommended conditions. Seconded by F. Torr.

Vote: U/A

5. STAFF COMMENTS

- TRCs since last meeting include: Cielo Drive amendment, two waterfront projects
- TRCs coming up: 36 & 38 New Rochester Road (8 units), Bluebird Self-storage, Unitil State Gas Transmission off Gerrish Road.
- Staff is doing a soft launch of our new permit software next week internally and then for the public on July 1st.

6. MEMBER COMMENTS

- Chair signed plans for Sophie/Banner Lane, and a Development Agreement for McIntosh, Porchlight Drive, and 193 Blackwater

7. ADJOURNMENT

Motion: H. Harmon moved to adjourn at 8:18 pm. Seconded by E. Kaspari. Vote: U/A