



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, May 24, 2022**
Meeting Time: **7:00 pm**

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

Members Not Present (excused): Stephanie George (Alternate)

Members Not Present (un-excused): None

Staff Present: Mike Asciola, City Planner

G. Cruikshank called the meeting to order at 7:00 p.m., noted Erinn Kaspari will sit for the vacant full member position and that cases 4A, 4B and 4C will not be heard tonight.

1. CITIZENS' FORUM

Citizens Forum Open

No one spoke

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

May 10, 2022 Regular Meeting Minutes

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

3. OLD BUSINESS

None

4. NEW BUSINESS

- A.** Consideration and acceptance of a Minor Subdivision for Canney Brook Engineering and Consulting, CBF2 LLC., (Owners: Canney Brook Engineering and Consulting, CBF2 LLC. and Helen F. Preston Revocable Trust of 2009), Assessor's Map K, Lot 6, zoned R-40, located at 105 Middle Road and Back Road. (2 new lots) (P22-09)

This case was continued to June 14, 2022.

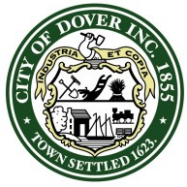
- B.** Consideration and acceptance of a Transfer of Development Rights for Garrett Paolini, Assessor's Map 39, Lot 53, zoned Gateway and R-12, and located on Sherman Street. (Proposal is to increase the unit count by 1 and reduce the TDR buffer from 30' to a 20' side building setback with a 10' side buffer and a 30' rear building setback and a 10' rear buffer.) (P22-34)

This case was continued to June 14, 2022.

- C.** Consideration and acceptance of a Subdivision for Garrett Paolini, Assessor's Map 39, Lot 53, zoned Gateway and R-12, and located on Sherman Street. (2 new lots) *(P22-35)

This case was continued to June 14, 2022.

- D.** Consideration and acceptance of a Transfer of Development Rights for Steve Huff, c/o Bruton & Berube, PLLC., (Owners: Steve & Mandy Huff), Assessor's Map 8, Lot 32-2, zoned R-20, and located at 3 Wentworth Terrace, Unit 2, (Proposal is to convert the 1,800 s.f. existing barn into a residential home.) (P22-37)



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M. Asciola explained the reason the applicant was before the Board was to convert the 1,800 s.f. existing barn (on LCA #2) into a single family residential home on a parcel under a two party condominium style ownership that contains an existing single family residence (on LCA #1) on 1.63 Ac. fronting on the Piscataqua River which recently received conditional approval for a conditional use permit by the Planning Board. Wentworth Terrace dissects the parcel into the two LCAs. LCA #2 where the proposed TDR is requested, is south of Wentworth Terrace and is bound by Hilton Park Road and Hilton Park to the southern property line. The ordinance would not otherwise allow for two principle dwelling units on one piece of property, with those legal non-conforming lot sizes and setbacks: the request would not meet the Riverfront Residential Overlay District requirement. However, utilizing TDR, should the Board vote to grant the request, would allow the barn to become a residential use on the same property in its existing location. These lots would not be able to become fee-simple owned land because they do not meet the zoning dimensional requirements.

Josh Lanzetta, Bruton & Berube presented the application. There are currently two condos on the property. The barn is being used for storage and as a vehicle garage. The proposal for the barn will keep in in the same location, and there will be an interior renovation to make the space livable.

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

Public hearing opened.

No one spoke

Public Hearing closed.

STAFF RECOMMENDATION:

§170-27.2 provides for additional density to be purchased through Transfer of Development Rights. While this plan is not consistent to be subdivided, it is consistent with the TDR ordinance to allow the purchase of the additional unit to be able to turn the existing barn into residence.

The Planning Department recommends that the Planning Board vote to find the criteria of the TDR ordinance has been met with the following conditions:

Conditions to Be Met Prior to Granting of the TDR:

1. Payment of the TDR fee
2. Revise plan and resubmit for Final Planning Board signature and then recording at the SCRDP with:
 - 2.1. Add note to plan that any expansion to the barn or impervious surface may review further survey or wetland/shoreland delineation.
 - 2.2. Add note to the plan that no additional dwelling units may be located on LCA #2
 - 2.3. Add note that limited common area cannot be converted to fee-simple ownership or units to be granted rights only to their side of Wentworth Terrace without review by City staff and relief granted from the Zoning Board.

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

E. Consideration and acceptance of a Site Review for Diamond Capital, LLC., Assessor's Map 14, Lots 17 & 17A, zoned Gateway, located at 71 & 73 Rutland Street. (Proposal is to retain the two current structures as well as new construction of 8 townhouses in a single building.) (P21-64)

M. Asciola explained the applicant is seeking to develop an eight (8) unit townhouse in the rear of two existing single family dwellings on separate lots totaling one (1) acre. A voluntary lot merger application will be required.



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The Gateway District allows a density calculation of one unit per 4,000 s.f. of land area. This site plan came to the TRC on October, 14, 2021, February 3, and April 14, 2022.

FX Bruton, Bruton & Berube presented the application. There are currently two parcels with a single-family home on each, which they are asking to be merged. The homes are in need of repair which is underway. The proposal is for adding 8 units behind the homes for a total of 10 units on the merged one-acre parcel. He reviewed the details of the plan and the comments and changes/additions that came up through TRC.

Items he clarified for the board: parking, licensing for landscape architecture, electric grill requirement, ownership type, storm water notes, regrading/ barrier for the pond.

Motion: F. Torr moved to accept and declared no regional impact for the application. Seconded by H. Harmon. Vote: U/A.

Public hearing opened.

No one spoke

Public Hearing closed.

STAFF RECOMMENDATION-WAIVER:

§153-21.A. of the Site Review Regulations of the City Code states “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 and that the applicant selected a MA licensed RLA who's expertise and credentials are comparable to that of NH RLA to carry out the intent of this provision.

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

1. Add note to the plan that the Board voted to grant a waiver from §153-13.A.(12) and found Chapter 153-21 has been met.

Motion: T. Clark moved to grant the waiver with the recommended condition. Seconded by M. Speidel. Vote: U/A.

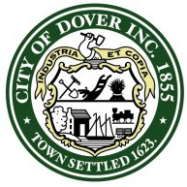
STAFF RECOMMENDATION-SITE PLAN:

§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, as the plans meet the standards outlined:

Conditions to Be Met Prior to the Signing of Plans:

1. Board acknowledge merger of lots 14-17 and 14-17-A and merger be recorded at SCRD.
2. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:



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- 2.1. Signature of owner
- 2.2. Label plan sheets consecutively
- 2.3. The following revisions to sheet C-2:
 - 2.3.1. Revise notes 3 & 4 to remove the words "if desired"
- 2.4. Change Assessor's Parcel IDs to 14-17 & 14-17-A from #14017 and #14017-A on all sheets
3. Provide letters to serve from utilities.
4. Verify sewer connections and inverts, confirm and coordinate with Engineering Department.
5. A development agreement shall be entered into regarding offsite improvements and active and passive recreation fees amount to be paid in lieu of providing.
6. The Planning Director, in consultation with the City's General Legal Counsel, will review and approve the condominium association documents to ensure private driveway, stormwater infrastructure, common area, reserve calculation, and landscaping maintenance including new site and existing grass-strip on Rutland St.

Conditions to Be Met Prior to any Construction:

7. 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.

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. Recreation payment in lieu of fees shall be paid.

Conditions to Be Met Prior to Occupancy:

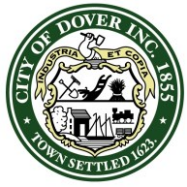
10. Issuance of the Certificate of Occupancy.
11. Impact fees shall be paid per the invoice included with the Notice of Decision.
12. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

Motion: T. Clark moved to approve Site Plan with the recommended conditions. Seconded by M. Speidel.
Vote: U/A

The Vice Chair noted Items 4F, and G will be heard together.

- F.** Consideration and acceptance of a Conditional Use Permit for Westfield, LLC., Assessor's Map G, Lot 2, zoned CM, located on Littleworth Road. (Proposal is to subdivide a 58.91 acre parcel into 3 lots with associated site work for public roadways, grading, stormwater mitigation and utilities, creating 1,231 s.f. of wetlands impact and 30,073 s.f. of buffer impacts within the Wetland Protection District.) (P22-24)
- G.** Consideration and acceptance of a Major Subdivision for Westfield LLC., Assessor's Map G, Lot 2, zoned CM, located at 64 Littleworth Road. (3 new lots) (P22-23)

M. Asciola explained the applicant is requesting a CUP and Subdivision approval in order to further subdivide 58.91 acres on Littleworth Road into three (3) new lots to contain 4.82., 23.98, and 28.25 acres in the Commercial Manufacturing (CM) Zoning District. The wetland impact is associated with the construction of roadways to allow future commercial/industrial development. A Major Subdivision Plan (P22-23) is also before the Planning Board. Future development of the newly created lots will be subject to Site Plan review.



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This CUP was endorsed by the Conservation Commission at their May 9, 2022 meeting.

Steve Haight, CivilWorks, presented the application. He described the proposal and the lots and frontage.

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

Public hearing opened.

David Bovee, 75 Littleworth Rd, abutter, is concerned about the changing of natural areas into developed areas, but understands this has been zoned that way for years. He's curious to see what the development plans will be.

Public Hearing closed.

STAFF RECOMMENDATION: CUP

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 feels that the applicant considered the criteria and attempted to create minimal wetlands disturbance on the site. Existing conditions and past agricultural irrigation activities render the land area undevelopable without the issuance of a CUP.

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 Issuance of Conditional Use Permit:

1. Copies of the NHDES Wetlands Permit be submitted to the Planning Department and added to the plan set coversheet; and
2. The Major Subdivision Plan (P22-23) be approved.

Motion: T. Clark made a motion to approve the Conditional Use Permit, as it meets the standards. Seconded by: E. Kaspari. Vote: U/A.

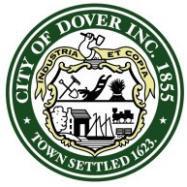
STAFF RECOMMENDATION – Major Subdivision

§157-11 of the Land Subdivision Regulations of the City Code provides for subdivisions of existing lots. This plat is consistent with the regulations.

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. Conditional Use Permits P22-24 shall be approved.
2. Provide 4 full size plan sheets for previous subdivision (P21-41) to include all existing easements.
3. 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



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- d. Add city wetland buffer placards every 30 feet (around work area)
- e. Add road names approved by the Building Official.
- f. Add note to plan or show proposed easement location for emergency access from Lot G- 2

Conditions to be Met Prior to Construction Activities:

4. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Planning Director.
5. The wetland buffer placards be installed every 30 feet (around work area).

Conditions to be Met Prior to the Issuance of a Building Permit:

6. The payment the current Water and Sewer Investment Fees in place at the time of application for service.
7. Impact fees per unit shall be paid per the invoice attached to the Notice of Decision.

Conditions to Be Met Prior to Occupancy:

8. Issuance of the Certificate of Occupancy.
9. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
10. Confirmation, by staff, that the wetlands buffer signs are in place, or replaced if damaged during construction.

Motion: M. Speidel made a motion to approve the Minor Subdivision with conditions. Seconded by: T. Clark.
Vote: U/A.

5. STAFF COMMENTS

- TRCs since last meeting; 36/38 New Rochester for 6 new units, Bluebird Storage on Littleworth Road, CUP for Unifil Transmission line
- Upcoming TRCs: Durham Road at Exit 7 for a medical office building
- RFP for Vision Chapter of the Master Plan coming out soon, then we will be looking for a PB representative.
- Zoning amendments and Community Infrastructure Master Plan Chapter will be at the second June meeting.
- We have received applications for the alternate vacancies and is expected to be filled soon.

6. MEMBER COMMENTS

- Chair read the lot merger for 71 & 73 Rutland Street into the record.
- Chair signed plans for: Oak St. minor subdivision and a CUP for 29 Boston Harbor Road

7. ADJOURNMENT

Motion: H. Harmon moved to adjourn at 7:48 pm. Seconded by E. Kaspari. Vote: U/A