

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, September 13, 2022**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Ken Mavrogeorge, Frank Torr, Mark Speidel, Fergus Cullen (Councilor), Erinn Kaspari, Tom Clark, George DeBoer (Alternate) and Jon Elliard (Alternate)

Members Not Present (excused): Kyle Pimental and Hayley Harmon (Vice Chair)

Members Not Present (un-excused):

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

G. Cruikshank called the meeting to order at 7:01 p.m. and announced Jon Elliard would be sitting in for Kyle Pimental and George DeBoer would be sitting in for Hayley Harmon but that Mark Speidel would Vice Chair this evening.

1. CITIZENS' FORUM

Citizens Forum Open

No one spoke

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

August 23, 2022 Regular Meeting Minutes

Motion: F. Torr moved to approve the minutes. Seconded by T. Clark. 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)

F. Torr and K. Mavrogeorge recused themselves from this item.

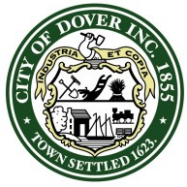
The applicants requested a continuance to October 25, 2022.

Motion: M. Speidel moved to continue this item to October 25, 2022. Seconded by: E. Kaspari. Vote: U/A

B. Consideration and acceptance of a Conditional Use Permit for Unutil Granite State Gas Transmission, Assessor's Map M, Lot 47-C, zoned R-12, located at Gerrish Road. (Proposal is to construct a pipeline inspection equipment station which will impact 3,500 s.f. of wetlands.) *(P22-36)

D. Benton introduced the proposal to construct an above ground station comprising of a pipeline internal inspection tool launcher and receiver, creating approximately 3,500 square feet of permanent wetlands impact. Unutil will construct a pipeline inspection equipment (tool launcher/receiver) station. The location is based on the location in Unutil's pipeline network, and considering adjacent easements and topography. The project will cause approximately 3,500 square feet of wetlands impact that will be compensated by an impact mitigation fee paid to NHDES.

The applicant is an easement owner who signed the application and provided a copy of the easement deeds. In past applications by utility easement holders the land (fee) owners have not co-signed the application.



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She stated the NHDES permit application was endorsed by the Conservation Commission at their June 13, 2022 meeting.

Tracey Sweeney and Bob Schumrick, Unutil represented the application. They gave a slide presentation to describe the project and the reason for choosing this location.

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

Public hearing opened.

No one spoke

Public hearing closed.

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 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 that the Planning Board vote to approve the Conditional Use Permit with the following subsequent conditions, as the plans meet the standards outlined:

Subsequent 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. Add the following notes to plan set:
 - 2.1. Easement of Record are:
Name _____
Street address _____
Municipality, State, Zip Code _____
Authorized Signature _____
 - 2.2. Title reference for the project parcel(s) is the Strafford County Registry of Deeds, Book No. ____, Page No. ____.
 - 2.3. Wetlands were delineated by _____, Certified Wetlands Scientist, Certification Number _____, in accordance with Chapter 170-27.1 of the Zoning Ordinance, on _____, 20____.
 - 2.4. The limits of construction disturbance that are located in or within the 50 ft. of Conservation and Wetland Districts shall be staked, flagged and clearly identified prior any earth disturbing activity occurs.
 - 2.5. File # P22-36 to all sheets
 - 2.6. Provide 2" x 2" blank space for PB Approval stamp in the lower right corner
 - 2.7. The following federal and state permits have been issued for the subject property: (*List permit type, number and date of issuance.*)
 - 2.8. Applicant shall complete Land Use Development Tracking Form, most recently revised version, utilizing the online Pollution Tracking and Accounting Pilot Project (PTAPP) portal.
<https://www.unh.edu/unhsc/ptapp>
and provide proof to the Planning Department.



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Motion: M. Speidel moved to approve the Conditional Use Permit with subsequent recommended conditions and to further find in support that all applicable regulations and legal standards have been met based off the presentation by the applicant. Seconded by T. Clark. Vote: U/A

C. Consideration and acceptance of a Conditional Use Permit for Public Service Company of New Hampshire, d/b/a/Eversource Energy, (Owners: State of NH, Nancy & William Hunt, Eric & Robyn Thompson) Assessor's Map K, Lots 1-A & 2, as well as, Assessors Map M Lots 105, 105-1, & 100-A zoned R-12 and R-40, covering various lots within the utility right of way. (Proposal is to replace five deficient utility structures/poles along the R169 Electric Transmission Line creating 8,778 s.f. of temporary wetland impact and 32,838 s.f. of combined temporary buffer impact to the Conservation and Wetland Protection Districts.) (P22-54)

D. Benton stated that the proposal is to replace five deficient utility structures/poles along the R169 Electric Transmission Line creating 8,778 s.f. of temporary wetland impact and 32,838 s.f. of combined temporary buffer impact to the Conservation and Wetland Protection Districts. The proposed Conditional Use Permit (CUP) is required in the replacement of five (5) utility structures/poles along the R169 Electric Transmission Line that have been identified as deficient during recent line inspections. The wetland and wetland buffer impacts will be temporary impacts in order to position equipment and machinery to replace the existing structures.

She stated the CUP permit application was endorsed by the Conservation Commission at their July 11, 2022 meeting.

Kris Wilkes, VHB and Matt Cardin, Eversource represented the application and described the proposal.

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

Public hearing opened.

No one spoke

Public hearing closed.

STAFF RECOMMENDATION:

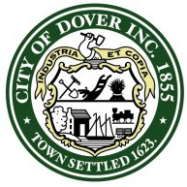
The Wetlands Protection District ordinance provides for Conditional Use Permits to allow impacts to wetlands and wetland buffers if standards related to demonstration that no practicable alternative exists, impact avoidance was considered, impacts were minimized, and mitigation has been sought.

Planning staff feels that the applicant considered the criteria and attempted to create minimal wetlands disturbance on the site. The applicant's detailed CUP application clearly demonstrates the understanding of the requirements and compliance to the criteria of §170-27.F.(1)(a)-(e).

The Planning Department recommends that the Planning Board vote to grant final approval of the Conditional Use Permit with the following subsequent conditions, as the plans meet the standards outlined:

Subsequent Conditions to be Met Prior to Issuance of Conditional Use Permit:

1. Copies of the NHDES Permits be submitted to the Planning Department and added to the plan set coversheet; and
2. Add the following notes to plan set:



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2.1. Easement Record are:

Name
Street address
Municipality, State, Zip Code

Authorized Signature

- 2.2. The limits of construction disturbance that are located in or within the 50 ft. of Conservation and Wetland Districts shall be staked, flagged and clearly identified prior any earth disturbing activity occurs.
- 2.3. File # P22-36 to all sheets
- 2.4. Provide 2" x 2" blank area for PB Approval stamp in lower right hand corner
- 2.5. The following federal and state permits have been issued for the subject property: (*List permit type, number and date of issuance.*)
- 2.6. Applicant shall complete Land Use Development Tracking Form, most recently revised version, utilizing the online Pollution Tracking and Accounting Pilot Project (PTAPP) portal. <https://www.unh.edu/unhsc/ptapp> and provide proof to the Planning Department.

Motion: T. Clark moved that after hearing the presentation tonight, the application meets the spirit and intent of the ordinance and further moves to grant final approval of the Conditional Use Permit with the recommended conditions. Seconded by M. Speidel. Vote: U/A

- D.** Consideration and acceptance of a Minor Subdivision for First-Rate Real Estate Group, LLC., Assessor's Map H, Lot 32, zoned CM - Commercial Manufacturing, and located at 45 Knox Marsh Road. (1 new lot) (P22-59)

D. Benton described the proposal to subdivide the subject parcel into two parcels by a minor subdivision. The parent lot is $3.22 \pm$ acres and the existing lots would be $0.54 \pm$ acres and the new lot would be $2.68 \pm$ acres. The new lot is to be accessed from Littleworth Road, while the existing lot will remain accessible from Knox Marsh Road. The lots are proposed to be serviced by municipal water and on-site sewage disposal systems. As a minor subdivision, this application did not appear before the TRC.

Kevin McEneaney, McEneaney Survey & Associates, represented the application.

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

Public hearing opened.

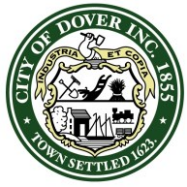
No one spoke

Public hearing closed.

STAFF RECOMMENDATION - Minor Subdivision:

The plan is consistent with §157-15 of the City of Dover's Land Subdivision Regulations, which provides for subdivision of existing lots.

The Planning Department recommends that the Planning Board vote to accept the application and determine it not to have regional impact, open a public hearing, close the public hearing, make the necessary and supporting findings of fact, and vote to approve the minor subdivision with the following conditions:



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Subsequent Condition to Be Met Prior to Signing of Plans:

1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford Country Registry of Deeds, which additionally shall include:
 - 1.1. The owner's signatures
 - 1.2. Include the Planning File #P22-59
 - 1.3. The stamp and signature of the LLS on the final plans
 - 1.4. Add 2"x2" blank square for approval stamp
 - 1.5. Provide access easement for sewage systems

Motion: M. Speidel moved to approve the Minor Subdivision with the recommended subsequent conditions and further found the subdivision as presented tonight met the applicable regulations and legal standards. Seconded by E. Kaspari Vote: U/A

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

- E.** Consideration and acceptance of a Minor Subdivision for Heron Bay Partners, LLC Assessor's Map H, Lot 4, zoned IT and RCM Overlay, located at Cielo Drive. (1 new lot) *(P06-25H)
- F.** Consideration and acceptance of a Conditional Use Permit Amendment for Heron Bay Partners, LLC., Assessor's Map H, Lot 4, zoned IT and RCM Overlay, located at Cielo Drive. (Proposal is to modify the CUP which was granted for the original development approval.) (P06-25G)
- G.** Consideration and acceptance of a Site Review using Transfer of Development Rights for Heron Bay Partners, LLC., Assessor's Map H, Lot 4, zoned IT and RCM Overlay, located at Cielo Drive. (Proposal is to construct a total of 56 units with 52 of the units by TDR in seven (7) townhouse style multi-family buildings in place of the two previously approved congregate care buildings.) *(P06-25F)

D. Benton introduced the proposed development to construct fifty-six (56) residential townhouse units in a series of eight (8) buildings. Fifty-two (52) of the units are to be achieved by acquiring Transfer Development Rights (TDR) which would not be restricted in size or HUD rates and therefore would require the full TDR fee.

The proposal is a to amend a previously approved Site Plan approval allowing a total of seventy-two (72) residential units (single family homes, duplexes, and triplexes) and seventy-two (72) congregate care units between two (2) buildings. To date sixty-nine (69) of the residential units have been constructed. The applicant is proposing an age restriction on the proposed units, however, there are no requirements or standards in the City's Site Plan Regulations that relate to age restricting the development. The applicant is also proposing a minor subdivision which will create one (1) new lot.

The development will create a new private road (Windsor Dr.) which will be part of a private roadway system which connects to Durham Rd. and Mast Rd. It will be serviced by public water and sewer. Twenty-two stand-alone parking spaces are provided in two areas for visitors and guests. This application was most recently before the Technical Review Committee on June 30, 2022.

Christopher Berry of Berry Surveying & Engineering presented the proposed development. He clarified that these units are not restricted in square footage. This updated proposal is scaled back from the original in both number of units and vertical construction. This project is now more in line with the rest of Cielo Dr.



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Mr. Berry clarified for the board why the TDR is needed since the net units are now less than the original proposal.

He clarified the reason for relocation of the underground storage.

He clarified the home owner association partnerships.

He clarified the applicant wishes to maintain the age restriction in this portion of the project.

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

Public hearing opened.

Richard Dolbec, 47 Cielo had concerns about the age restriction being changed and what the parking will be.

Debra Noyes, 15 Cielo sent in an email to the Chair in August with some concerns. The construction is very slow on the four-unit and some of the units which have had residents for some time still have punch lists on their homes that are not complete. Each phase is taking longer and longer. What is happening with the pond? Some are concerned about extra traffic especially from construction vehicles. There are age restriction concerns- they want to remain 55+. The amenities are supposed to be restricted- no pool access and only club house access by reservation.

Public hearing closed.

Mr. Berry addressed public comment:

- Construction timeline will be as fast as it can be.
- Parking along Cielo can be restricted if the board requests. It is not part of the project parking calculations.
- Very little change is planned for the pond.
- The dog park would not be open to the general public.

D. Benton stated that the Hannaford site is not part of this project. Should that piece be developed it would follow the same Planning Board review process.

STAFF RECOMMENDATION - Minor Subdivision:

The plan is consistent with Chapter 157-15 of the City of Dover's Land Subdivision Regulations, which provides for subdivision of existing lots.

The Planning Department recommends that the Planning Board vote to approve the minor subdivision with the following subsequent conditions:

Subsequent Conditions to Be Met Prior to Signing of Plans: - Minor Subdivision

1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford Country Registry of Deeds, which additionally shall include:
 - 1.1. The owner's signatures
 - 1.2. Include the Planning File #P06-25H
 - 1.3. The stamp and signature of the LLS on the final plans
 - 1.4. Revise Sheet 8 to include a header to reference plans note so that 17 and 1 are separated.
 - 1.5. Any outstanding fees, administrative or operational shall be paid prior to the signing of the plans



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Motion: M. Speidel moved to approve the Minor Subdivision with the recommended conditions and found that the subdivision plan met the applicable regulations and legal standards. Seconded by T. Clark. Vote: U/A

STAFF RECOMMENDATION – CUP Modification:

The Planning Board may grant Conditional Use Permits for development within the Residential-Commercial Mixed Use (RCM) Overlay District under §170-28.2.B. Conditional Use Permit as outlined in subsections (1) – (2) below:

(1) Conditional use approval 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:

(a) The APPLICANT demonstrates that the development complies with the design guidelines that are outlined in Chapter 153 14.2, Site Review Regulations. These guidelines encourage a context sensitive development, which encourages components that act as one project and not as two adjacent projects

(b) The APPLICANT demonstrates that the development poses no detrimental effects on surrounding properties. Potential areas of impact that need to be analyzed include, but are not limited to, vehicular traffic, noise, property value, visual blight, natural resources degradation, light pollution, and offensive emissions such as dust, odor, or smoke.

(c) The APPLICANT shall submit a Fiscal Impact Analysis as defined in Chapter 157.22.C (1) (b) Subdivision of Land. The Analysis shall demonstrate that the project is at least a cost neutral project for the City at present and ten years from the occupation.

(2) Conditional use approval shall be subject to a formal agreement between the PLANNING BOARD and the APPLICANT. Said agreement shall be recorded at the Strafford County Registry of Deeds.

Planning Staff believes the applicant's narrative related to the RCM Overlay Conditional Use Permit demonstrates compliance and conformity with subsection (1)(a)-(c). An amended Development Agreement must be drafted and approved by the applicant and City Staff to comply with subsection (2)

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

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

1. A Development Agreement per Chapter 170-28.2.B(2) be signed and recorded at the Strafford County Registry of Deeds.
2. The Site Plan (P06-25F) and Subdivision (P06-25H) shall be approved.
3. Any outstanding fees, administrative or operational shall be paid prior to the issuance of the conditional use permit.

Motion: M. Speidel moved to approve the Conditional Use Permit modification with the recommended conditions and finds that the applicable regulations and legal standards have been met once the Development Agreement is recorded. Seconded by E. Kaspari. Vote: U/A

STAFF RECOMMENDATION - TDR:

§170-27.2 provides for additional density to be purchased through Transfer of Development Rights. This application meets the ordinance.

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



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Subsequent Conditions to Be Met Prior to Granting of the TDR:

1. Approval of Site Plan (P06-25F);
 2. Add note to the plan that no additional dwelling units may added to the property without Planning Board approval and note number of TDR units approved; and
 3. Payment of TDR fees for each TDR unit approved.
- D. Benton explained the payment process for TDR fees for the board.

Motion: M. Speidel moved to approve the TDR with the recommended conditions and found based on the presentation that all applicable regulations and legal standards have been met. Seconded by K. Mavrogeorge. Vote: U/A

STAFF RECOMMENDATION - Waivers/Relief:

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."

Planning Staff believes the applicant's rational for the waivers meets both criterion and waiving such standards and requirements is not contrary to the spirit or intent.

The Planning Department recommends that the Planning Board vote to grant the waivers with the following subsequent condition:

Subsequent Condition to be Met Prior to the Signing of the Plans:

1. Add a note that the Planning Board approved waivers for (1) Partial relief from no cut no disturb 30' perimeter buffer requirement of §170-27.2.G.(7) in the area of the frontage along Cielo Drive and the parking lot area which is adjacent to another small parking array off of Cielo Drive; (2) The road grade within 75' of an intersection standard of §157-32.G and found that the criteria of Chapter 153-21.A have been met.

Motion: M. Speidel moved to approve the waiver with the recommended conditions and found that the criteria of Chapter 153-21.A have been met based off the presentation. Seconded by J. Elliard. 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.

Planning staff believes the proposed development meets the intent and spirit of the RCM Overlay District and previously approved planned unit development. The modification from a 72 unit congregate care facility to 56 unit multifamily residential development will be of a similar impact on services and circulation.

The Planning Department recommends that the Planning Board vote to approve the Site Plan with the following subsequent conditions:



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Subsequent Conditions to Be Met Prior to Signing of the Plans:

1. Approval of the revised CUP (P06-25G) and minor subdivision (P06-25H);
2. Revise plan and resubmit for Final Planning Board signature and then recording at the SCRCD with the following revisions:
 - 2.1. Add owner's signature;
 - 2.2. Remove "Age Restricted" from title;
 - 2.3. Add at least two windows to the ends of the townhouse buildings;
 - 2.4. Add architect stamp and signature to Architectural Plan Set; and
 - 2.5. Add LLS signature to Sheet 8, 9, & 10 of Site Plan Set.
 - 2.6. Any outstanding fees to be paid prior to signing of the plans.

Subsequent Condition to Be Met Prior to Construction:

3. A site construction sign with the contact information for the general contractor must be displayed in a location approved by the City Engineer or Planning Director; and

Subsequent Conditions to Be Met Prior to Building Permit:

4. Payment of the water/sewer fees at time or request of service;
5. Development agreement has been recorded;

Subsequent Conditions to Be Met Prior to Occupancy:

6. Issuance of Certificate of Occupancy.
7. Payment of Impact Fees as noted in the invoice attached to the Decision Letter.
8. Surety or other form of security acceptable to the City is provide for any unfinished work.

Motion: M. Speidel moved to approve the Site Plan with the recommended conditions and further found the site plan met the applicable regulations and legal standards. Seconded by E. Kaspari. Vote: U/A

The Vice Chair noted Items 4H and I will be heard together.

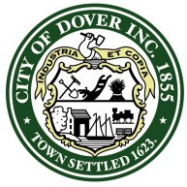
H. Consideration and acceptance of a Conditional Use Permit for Knox Marsh Development, LLC, Assessor's Map 39, Lots 104 & 105, zoned G & R-12, located at 36 & 38 New Rochester Road. (Frontage build-out of 38.7%, where 60% is required *(P22-28)

I. Consideration and acceptance of a Site Review for Knox Marsh Development LLC., Assessor's Map 39, Lots 104 & 105, zoned G & R-12, located at 36 & 38 New Rochester Road. (Proposal is for construction of six single family homes behind the existing single-family homes for a total of 8 units). *(P22-27)

D. Benton introduced the proposed development to create eight (8) single family residences (SFR) condominium style development serviced by a 300' private roadway off of New Rochester Rd. The plan calls for the construction of six (6) additional single-family residences on two (2) properties (to be merged) currently containing a single-family residence each. The applicant also seeks to obtain relief from the frontage buildout requirement of the Gateway District of 60%. The proposed buildout along New Rochester Rd. is 38.7% which is what exists today.

This application was most recently before the Technical Review Committee on August 4, 2022.

Christopher Berry of Berry Surveying & Engineering presented the proposed development.



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Mr. Berry answered some questions of the board regarding details of the project including utilities and sidewalks.

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

Public hearing opened.

Bernard Taylor, 2 Willard asked some questions about the style of the proposed homes, definition of porous pavement, condo management regulations, proposed landscape, wildlife concerns, density concerns, tax concerns.

Mary Lemcke, 4 Willard agreed with the concerns mentioned above, tree removal and drainage.

Daniel Stampone, 4 Willard shared concerns about transmissible soil, storm water drainage and wildlife.

Lee Schatvet, 29 Old Rochester raised concerns about wildlife and asked about his property line, view and drainage.

Public hearing closed.

Mr. Berry addressed public comment:

- Storm water
- Porous pavement
- Density
- Two-story homes about 1400 sq ft each with single car garage and space for two vehicles out front
- Everything listed as proposed on the plan is required to be installed by the developer
- Wildlife
- This is a condo project and will have an HOA
- Transmissible soil
- Perimeter boundary lines will be staked prior to construction
- The project is privately funded- not funded by taxes
- Tree removal count is not currently available

STAFF RECOMMENDATION:

§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 certain standards outlined in a-i.

This plan is consistent with the criteria as described in the applicant's narrative. Due to the two (2) existing single family residences not changing besides the private roadway being constructed between the structures, no additional buildout is proposed from what exists today. The subject parcels frontage buildout is similar to that of streetscape in this area of New Rochester Road and in the character of the neighborhood.

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



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

1. Approval of Site Plan (P22-27);
2. A Development Agreement be entered between the applicant and the Planning Board and recording at the SCRDP per Chapter 170-20.B(3).

D. Benton clarified the buildout/ frontage requirements to the board.
The board discussed additional landscaping rather than just the 6' vinyl fence.

Motion: M. Speidel moved to approve the Conditional Use Permit with the recommended conditions and further found that all applicable regulations and legal standards have been met from the applicant's presentation. Seconded by K. Mavrogeorge. Vote: U/A

STAFF RECOMMENDATION - Waivers/Relief:

§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."

Planning Staff believes the applicant's rationale for the waiver from 157-32.J for minimum roadway length and width meets criterion (1) and waiving such standards and requirements is not contrary to the spirit or intent of the ordinance.

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

Subsequent Condition to be Met Prior to the Signing of the Plans:

1. Add a note that the Planning Board approved waivers for §157-32.J to allow a roadway of 300' in length where 500' is required and found that the criteria of Chapter 153-21.A have been met.

Motion: M. Speidel moved to approve the waiver with the recommended conditions and found that criteria 1 has been met. Seconded by T. Clark. 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.

Planning staff believes the proposed development meets the intent and spirit of the Gateway District and provides a residential development that meets the required density of the district. The proposed development is an infill style development that utilizes excess back yard areas to accommodate the six (6) new detached SFRs with minimal infrastructure improvements needed.

The Planning Department recommends that the Planning Board vote to approve the Site Plan with the following subsequent conditions:

Subsequent Conditions to Be Met Prior to Signing of the Plans:



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, September 13, 2022**
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1. Approval of CUP (P22-28);
2. Planning Board acknowledge lot merger;
3. Submission of Home Owners Association documents that include the operation and maintenance for stormwater, landscaping, porous pavement, and private trash pick-up; and calculation for the reserve that will be recorded at SCRD;
4. Revise plan and resubmit for Final Planning Board signature and then recording at the SCRD with the following revisions:
 - 4.1. Add owner's signature;
 - 4.2. Remove references to 50% lot coverage minimum requirement, as it is a 50% maximum requirement;
 - 4.3. Add note to plan that the HOA be responsible for the lifetime maintenance of the 6' white vinyl perimeter fence; and
 - 4.4. Add LLS signature to Sheet 5 & 7 of Site Plan Set.
 - 4.5. Deer resistant evergreens be added to the northern corner

Subsequent Conditions to Be Met Prior to Construction:

5. A site construction sign with the contact information for the general contractor must be displayed in a location approved by the City Engineer or Planning Director; and

Subsequent Conditions to Be Met Prior to Building Permit:

6. Payment of the water/sewer investment fees at time or request of service.

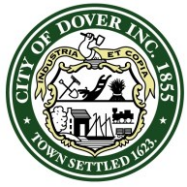
Subsequent Conditions to Be Met Prior to Occupancy:

7. Issuance of Certificate of Occupancy;
8. Payment of Impact Fees as noted in the invoice attached to the Decision Letter; and
9. Surety or other form of security acceptable to the City is provide for any unfinished work.
10. The project engineer meet with the HOA to review any maintenance & operation needs of the property including storm water and porous pavement
11. Proof that HOA is in place

Motion: M. Speidel moved to approve the Site Plan with the recommended conditions and further finds that all applicable regulations and legal standards have been met. Seconded by T. Clark. Vote: U/A

The Vice Chair noted Items 4J, K, and L will be heard together.

- J.** Consideration and acceptance of a Conditional Use Permit for Storage Barn, LLC, (Owners: TSB Properties, LLC) Assessor's Map D, Lot 12-2, zoned IT, located at Production Drive. (Proposal is to allow Self-Storage Use in the IT District.) *(P22-66/COND-2022-0018)
- K.** Consideration and acceptance of a Conditional Use Permit for Storage Barn, LLC, (Owners: TSB Properties, LLC) Assessor's Map D, Lot 12-2, zoned IT, located at Production Drive. (Proposal is to allow 10,310 sf of wetland buffer impact.) *(P22-51/COND-2022-0003)
- L.** Consideration and acceptance of a Site Review for Storage Barn, LLC, (Owners: TSB Properties, LLC) Assessor's Map D, Lot 12-2, zoned IT, located at Production Drive. (Proposal is to construct five (5) storage buildings totaling 12,000 sf) *(P22-50/SITE-2022-0004)



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D. Benton introduced the proposed development to construct a self-storage facility contained in five (5) buildings totaling 12,000 sf in area on a vacant lot on Production Dr. The development will be serviced by public water, however no sewer or onsite septic system are proposed. Conditional Use Permits (CUP) are requested for self-storage use in the IT District (P22-66) and wetland buffer impact (P22-51) in order to develop the proposed site plan. This application was most recently before the Technical Review Committee on August 4, 2022.

The Conservation Commission conditionally endorsed the CUP on August 8, 2022 with the condition “under the provision that a note is added to the plans that indicate snow storage be located in a way that the snowmelt is directed into the deep sump catch basins with applicable signage onsite.”

Steve Haight, Civil Works NE, presented the proposed development.

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

Public hearing opened.

Douglas Porter, 29 Quail has concerns about the impact to his property including hours of operation, lighting, property value, vegetation buffer.

Jake Banaian, 11 Quail has concerns about wetlands/ referenced the wetlands ordinance and state wetlands regulations. He suggested a site walk with the board and the Quail drive community and storage owners. Is there a second phase to the project? The old shed was demolished, but is still on site – not removed.

Barbara Civiello, 3 Quail agreed with previous comments. She gave some historical data about the area. She asked the board to hold off on changing that area until they have met with the abutters and visited the site.

Kerryellen Vroman, 24 Quail is concerned about the environmental ramifications and property values.

Brian Frankenfield, 18 Quail is concerned about wildlife, site lines, lighting and noise, hours of operation, traffic, flooding and property values.

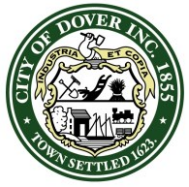
Nevin Brown, 7 Quail agreed with many of the comments already presented. Concerned about the characteristics of the neighborhood in relation to wildlife.

Emily Rose, 7 Quail is against the zoning to IT. It was residential and commercial projects were sought. Now, it's rezoned to IT and non-IT uses are being considered. She looked at the overlay of wetland buffers and doesn't think they should be overlayed- that reduces the buffer. She is concerned about wildlife, lighting and drainage.

Public hearing closed

Mr. Haight addressed public comment:

- Zoning
- Lighting
- Storm water
- Buffers
- Wetland impacts- none proposed



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- Traffic
- Setbacks
- TRC process addressed lighting, grading/drainage, landscaping, design
- Extensive review by contractors, staff and state has occurred
- Landscape plan

Owner Mark Phillips addressed traffic concerns and hours of operation.

The board discussed hours of operation restrictions that are coming before the Council soon and whether they would like to conduct a site walk. A significant number of board members were interested in a site walk. Additional discussion occurred regarding distances from residences, zoning changes to this neighborhood, the shed that was not removed, and the Planning process.

The board discussed when they can attend a site walk and decided on 5pm on September 27th.

Motion: M. Speidel moved to table the application to September 27th. Seconded by T. Clark. Vote: U/A

M. Consideration and acceptance of a Site Review for Dover Coast, LLC., (Owners: Dover Coast, LLC and Pookath Holding Company), Assessor's Map 28, Lots 13, 14, 15, & 15A, zoned G & O, located at 725 Central Ave, 4 Brick Rd, Brick Rd & 10 Brick Rd. (Proposal is to construct a new three (3) story 15 unit multi-family residential building at 725 Central Ave plus two (2) shared surface parking lots on abutting lot with a single family being converted to a duplex. The Planning Board previously approved up to 12 units to be purchased via TDR). *(P21-53)

D. Benton introduced the proposed development which requires the demolition of buildings on 725 Central Ave. and 4 Brick Rd. where a 15-unit three (3) story multifamily building will be constructed, the conversion of a single family residence into a duplex at 10 Brick Rd. (which does not need PB review), and the construction of parking areas. The site is serviced by municipal water and sewer. The applicant previously received a conditional approval of up to 12 Transfer Development Rights (TDR) residential units on November 9, 2021, by the Planning Board.

This application was most recently before the Technical Review Committee on August 18, 2022.

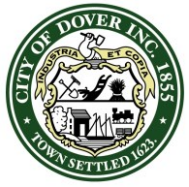
The applicant is seeking three waivers: one related to the design of the parking area and vehicular access, one for parking setback, and one for site distance less than 400'.

Art Guadano, AG Architects, Stephen Chunias, Dover Coast and Jay Stevens, Civil Consultants represented the application.

The project includes 15 total units with 14 two-bedroom, 1 1-bedroom, 7 accessible units. 29 parking spaces are required. He described the parking locations and 2 EV ready spaces. The project meets the 4-story restriction. The buildings will be three stories with a walk out basement. The front will show three stories and the back will show four. He brought exterior material samples to show the board.

Regarding the waivers, the lot is very narrow, so this is a good use of the lot. Because of the shape of the lot, they are requesting waivers from setbacks.

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



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Public hearing opened.

Edmond Ford, Counsel for McQuaid Realy Inc, 12 Oak handed the board members some photos of the driveway. His client is concerned about the drainage from the property as it becomes expanded, the proposed demolition/reconstruction of Brick road and increased traffic cutting through the parking lots. The proposed project is an intense use of that property- too intense.

Peter Menounos, 720 Central is concerned about the added cars and traffic that will increase where it's already a problem.

Public hearing closed.

The applicants addressed public comment:

- The reconstruction of Brick road is not being proposed by the project, but by the City.
- Traffic is easier turning with traffic, but it is difficult to cut across and turn left.
- Ken Mavrogeorge suggested additional impervious area be a permeable surface for the driveway area at 12 Oak.
- Drainage details were given

D. Benton addressed public comment:

- Traffic study was conducted
- Storm water runoff can be an added condition
- Right of way/private property. The applicant is not proposing any work on Brick Rd

STAFF RECOMMENDATION - Waivers/Relief:

The applicant seeks waivers of §153-17.C and §157-50.C.(1) & (5) related to the design of the parking area and vehicular access.

The applicant believes these waivers are necessary due to the shape of the subject parcels and believes that the low traffic volumes and low traffic speeds will prevent unsafe conditions if granted

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:

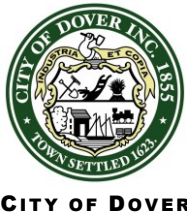
- (1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
- (2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations."

Planning Staff believes the applicant's rational for the waivers meets criterion (2) and waiving such standards and requirements is not contrary to their spirit or intent.

The Planning Department recommends that the Planning Board vote to grant the waivers with the following condition:

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

1. Add a note that the Planning Board approved waivers for: (1) §157-50.C.(1) to allow a lot with multiple access points with a sight line less than 400'; (2) §157-50.C.(5) to allow a driveway less than



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- 25' from an intersection; and (3) §153-17.C to allow parking and pavement within stated setback areas and have found the criteria of Chapter 153-21.A. have been met.
2. Additional impervious from existing building on the smaller of the two lots either be converted to a permeable surface or modify the drainage system to capture the runoff and direct it to the proposed drainage system.

Discussion among the board about the timing of work on Brick Rd by the applicant and the City at the same time while it's already under construction. (Referring to work that began years ago, but stopped after a certain phase) The board can recommend to TAC/Council work to improve traffic flow issues on Brick.

Motion: M. Speidel moved to approve the waiver with the recommended condition and further finds it meets criteria outlined. Seconded by F. Torr. 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.

Planning staff believes the proposed development meets the intent and spirit of the Gateway and Office Districts and TDR ordinance to provide more residentially dense development in the transitioning area near the urban core of the City, while providing improvements to the streetscape of a major urban corridor.

The Planning Department recommends that the Planning Board vote to approve the Site Plan with the following subsequent conditions:

Subsequent Conditions to Be Met Prior to Signing of the Plans:

1. Payment of TDR Fees;
2. Revise plan and resubmit for Final Planning Board signature and then recording at the SCRDP with the following revisions:
 - 2.1. Add owner's signature;
 - 2.2. Change note 43 on sheet 7 to state "(P22-54) 12 Transfer Development Units were conditionally approved on November 9, 2021 by the Planning Board"; and
 - 2.3. Provide all professional stamps and signatures.

Subsequent Condition to Be Met Prior to Construction:

3. A site construction sign with the contact information for the general contractor must be displayed in a location approved by the City Engineer or Planning Director; and

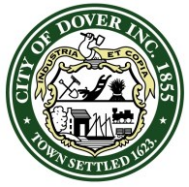
Subsequent Condition to Be Met Prior to Building Permit:

4. Payment of the water/sewer investment fees at time or request of service;

Subsequent Conditions to Be Met Prior to Occupancy:

5. Issuance of Certificate of Occupancy.
6. Payment of Impact Fees and Recreation Fees as noted in the invoice attached to the Decision Letter.
7. Surety or other form of security acceptable to the City is provided for any unfinished work.

Motion: M. Speidel moved to approve the Site Plan with the recommended conditions and further finds all applicable regulations have been met or proper waivers have been granted. Seconded by E. Kaspari. Vote: U/A



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5. STAFF COMMENTS

- Staff recently closed the Planning Office Assistant Position and hopes to extend an offer this week.
- Vision Chapter Steering Committee kicks off next week
- Staff will be reaching out to those on the Gateway subcommittee
- CIP is in full swing and there will be a joint session with City Council on 9/21 so again please save the date.
- TRCs since last meeting:
 - Site Review for Wooden Ruler Realty, LLC (Owner: Wong, John & Wong, Mo Y Trustees of the Mo Y Wong Living Revocable Trust of 2006), Assessor's Map 6, Lots 32 & 40, zoned CBD-G, located at 42-44 Third. (Proposal is to construct a 103,000 s.f. mixed-use building with commercial on the First Floor and a below grade parking and 58 residential units). A CUP for street trees and benches on Third Street) will also appear before the Planning Board. (P22-60)
 - Site Review for TSB Properties, LLC, Assessor's Map D, Lots 12-1, zoned IT, located at Production Drive. (Proposal is to construct five (5) warehouse buildings, totaling 24,420 sf). A Wetlands Protection District CUP for wetland impact will also appear before the Planning Board. (P22-62)
 - Site Review for White Birch Armory, (Owner: Recon Realty, LLC) Assessor's Map G, Lot 3-A-100, zoned CM, located at 80 Industrial Park Drive. (Proposal is to construct a 20,287sf addition to increase office and warehouse space on site, including additional parking, landscaping, lighting and stormwater management improvements). A Wetlands Protection District CUP for wetland impact will also appear before the Planning Board. (P22-63)
- No TRCs currently scheduled.

6. MEMBER COMMENTS

- E. Kaspari
 - Passed her PHD thesis and received her Doctorate
- M. Speidel
 - Clarified the TRC item is the property that was mentioned earlier located behind one of tonight's agenda items
- F. Cullen
 - Commented about the packet- it was 1200 pages so there was trouble downloading it and sorting and utilizing it. Members suggested it be tabbed differently or posted to a Google drive. Staff will look into this.
- The Chair clarified that a Council Rep (believed to be Councilor Nemeth) and a student representative from Dover High School to be named will also be appointed on the Vision Steering Committee
- Signed plans included:
 - P21-69 - CPI Management LLC– Site Plan – River St.
 - P22-44 - Dover Housing Authority – TDR Site Plan – 48 Whittier St.
 - P22-18 – Bluebird Storage – Site Plan – 64 Littleworth Rd
 - Development Agreement for Jeff Loring on Central Ave

7. ADJOURNMENT

Motion: M. Speidel moved to adjourn at 10:36 pm. Seconded by E. Kaspari. Vote: U/A