 CITY OF DOVER	DOVER PLANNING BOARD – AGENDA Meeting Type: Workshop Meeting Location: McConnell Center Cafeteria 61 Locust Street, Dover, NH 03820 Meeting Date: Tuesday, January 10, 2023 Meeting Time: 5:30 pm-6:45 pm
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1. 2023 LAND USE BOARD MEET AND GREET

Members of the following boards, commissions and committees are cordially invited to attend the Meet and Greet:

- Zoning Board of Adjustment
- Conservation Commission
- Energy Commission
- Open Lands Committee
- Transportation Advisory Commission
- Community Trails Advisory Committee
- Dover Business and Industrial Development Authority
- Parking Commission
- Utilities Commission
- Recreation Advisory Committee
- Cochecho Waterfront Development Advisory Committee
- Downtown TIF Advisory Board
- Heritage Commission
- Arts Commission
- Graffiti Management Ad-Hoc Committee

- **5:30 -5:45 PM** Welcome and light dinner
- **5:45 – 6:00 PM** Presentation – Vision Chapter of the Master Plan
- **6:00 – 6:15 PM** Presentation – City-wide Resilience Plan overview
- **6:15 – 6:45 PM** Land Use Board Activity Update

2. ADJOURNMENT

Find us on Facebook at www.facebook.com/pages/Dover-NH/City-of-Dover-NH-Planning/446789895351



CITY OF DOVER

DOVER PLANNING BOARD – AGENDA

REVISED

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall, 288 Central Avenue, Dover NH 03820
Meeting Date: **Tuesday, January 10, 2022**
Meeting Time: **7:00 pm**

1. CITIZENS' FORUM

2. ELECTION OF OFFICERS

3. APPROVAL OF THE PRIOR MINUTES

- December 13, 2022 Regular Meeting Minutes

4. OLD BUSINESS

5. NEW BUSINESS

- A. Consideration and acceptance of a Transfer of Development Rights for Reynolds Avenue North, LLC, Assessor's Map E, Lot 27-B, zoned IT and RCM, located at 100 Education Way. (Proposal is to exchange conservation area for 166 extra units for a total of 394 residential housing units with 420,365 s.f. of Commercial and Retail Space).

*(P22-77/TRAN-2022-0004) *This item will not be heard*

- B. Discussion of Land Use Amendments/Goal Setting

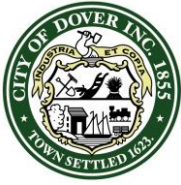
- C. Public hearing and possible adoption of amendments to Chapter 153-4, entitled "Site Plan" of the code of the City of Dover. Amendments include clarifying site review applicability, Technical Review Committee process of reviewing minor site plans, and removing 90 day extension per state statute. The full text of the amendments is available in the Planning Department & at www.dover.nh.gov located under Planning Board meeting materials.

6. STAFF COMMENT

7. MEMBER COMMENTS

8. ADJOURNMENT

*Indicates that if the application is accepted for discussion, the public hearing will be held the same evening. Note that some hearings will be continued from one meeting to another and some may be postponed. Since this is only a partial description of the proposal and may change, persons with questions or wishing to see the plans are invited to visit the Planning Office, Monday through Thursday from 8:30 am to 5:30 pm and Friday 8:30 am to 4:00 pm or email Dover-Planning@dover.nh.gov. You may also view materials at www.dover.nh.gov. Follow us on Twitter [@DoverNHPlanning](https://twitter.com/DoverNHPlanning) and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>. The public is encouraged to leave comments in advance by emailing Dover-Planning@dover.nh.gov, or mailing written comments to Planning Board, Dover City Hall, 288 Central Ave., Dover, NH 03820. Messages must be received no later than 4 p.m. the day of the meeting and should identify the name and Dover address of the person leaving the message or providing the comment.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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

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

Members Not Present (excused): Mark Speidel, Ken Mavrogeorge, Hayley Harmon (Vice Chair),

Members Not Present (un-excused):

Staff Present: Donna Benton, Director of Planning and Development

G. Cruikshank called the meeting to order at 7p.m. and announced that K. Pimental would sit as Vice Chair for H. Harmon, J. Elliard would sit for K. Pimental and G. DeBoer for K. Mavrogeorge.

1. CITIZENS' FORUM

Citizens Forum Open

No one spoke

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- November 8, 2022 Regular Meeting Minutes
- November 15, 2022 Special Meeting Minutes

Motion: F. Cullen moved to amend the November 15th amendments to note G. DeBoer in attendance and to revise the page numbers and then approve November 8 & 15 Meeting Minutes. Seconded by: G. DeBoer.

Vote: U/A

3. OLD BUSINESS

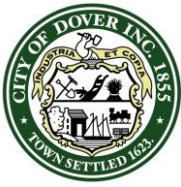
None

4. NEW BUSINESS

The Vice Chair stated items 4A-4C would be heard together.

- A. Consideration and acceptance of a Lot Line Adjustment for JSR, LLC (Owner: JSR, LLC), Assessor's Map D, Lots 11-5 & 11-5-SND, zoned IT, located at Quality Way and Venture Drive. *(P22-57/LOTA-2022-0002)
- B. Consideration and acceptance of a Conditional Use Permit for JSR, LLC (Owner: JSR, LLC), Assessor's Map D, Lots 11-5 & 11-5-SND, zoned IT, located at Quality Way and Venture Drive. (Proposal is to impact 7,935 sq. ft. within the wetland buffer to gain access to the site and develop a stormwater treatment cell). *(P22-56/COND-2022-0005)
- C. Consideration and acceptance of a Site Review for JSR, LLC (Owner: JSR, LLC), Assessor's Map D, Lots 11-5 & 11-5-SND, zoned IT, located at Quality Way and Venture Drive. (Proposal is to construct a 10,080 sq. ft., Commercial Building for Contractor Bays/Office Space). *(P22-55/SITE-2022-0011)

D. Benton introduced the project which required a lot line adjustment, environmental conditional use permit, and site review for a 10,080 s.f. commercial building with contractor bays and office space. The lot line adjustment adjusts the conservation easement in place which is why staff is proposing some of the conditions of approval for the Conservation Commission and Director of Charitable Trusts at the State Attorney General's office approve. Last night the Conservation Commission endorsed the change. This project went to TRC on August 11 and October 27th and Conservation Commission endorsed the CUP at their September 12 meeting.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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

Christopher Berry, Berry Surveying and Engineering, represented the applications and explained the proposed development and the need for the lot line revision and waiver.

Board members asked a few clarifying questions which were answered by Mr. Berry.

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

Public hearing opened.

Christopher Parker, Deputy City Manager and representative of the Office of Business Development encouraged the board to approve the project as presented.

John Donais, 16 Durham Rd expressed some concerns about disturbing the wetlands.

Public hearing closed.

Mr. Berry addressed public comment noting the wetlands definition was changed to be in line with the state and Army Corp of engineer's definition. He clarified there are no direct wetland impacts proposed for this project. They are proposing wetland buffer impacts.

STAFF RECOMMENDATION - Minor Subdivision:

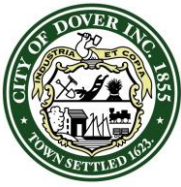
The plan is consistent with §157-17 of the City of Dover's Land Subdivision Regulations, which provides for the adjustment of existing lot lines between two or more lots.

The Planning Department recommends that the Planning Board vote to approve the lot line adjustment with the following subsequent conditions:

Subsequent Conditions to Be Met Prior to Signing of Plans:

1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford County Registry of Deeds which additionally shall include:
 - a. Planning File Number P22-57
 - b. The owner's signatures
 - c. The LLS stamp and signature
 - d. Add proposed conservation easement area
 - e. Add rights-of-way widths
 - f. Developer must seek and receive written approvals of the Conservation Commission, City Council, and the NH Charitable Trust Director concerning amendment of conservation easement area.
 - g. Add note to plan that prior to any deed proof of Conservation Commission approval, City Council approval, and NH Charitable Trust Director approval is to be provided to the Planning Department.
 - h. City Council and Southeast Land Trust (SELT) acknowledge in writing proposed change to sending areas and conservation easement.

Motion: F. Torr found the proposal is consistent with Land Use regulations 157-17 of Land Use Subdivision code and moved to grant final approval of the lot line adjustment subject to the subsequent conditions set by the Planning Department. Seconded by T. Clark. Vote: U/A



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 13, 2022**
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STAFF RECOMMENDATION-CUP:

The Wetlands Protection District ordinance §170.27.1.F. 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 of practical alternative, avoidance, minimization, and mitigation and propose to create minimal wetland buffer disturbance on the site. The use of alternative materials to plastics, the inclusion of silt sock and retaining walls, and treatment of an area not currently treated were all findings of the Conservation Commission endorsement.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to grant final approval of the Conditional Use Permit with the following subsequent condition, as the plans meet the standards outlined.

Subsequent Condition to Be Met Prior to Issuance of CUP:

1. Approval of Site Plan (P22-55) and LLA (P22-57).

Motion: F. Torr found the proposal meets the criteria of Wetlands ordinance 170.27.1.F and moved to grant final approval of the Conditional Use Permit subject to the subsequent conditions set by the Planning Department. Seconded by T. Clark. Vote: U/A

STAFF RECOMMENDATION-Waivers:

Section 153-21 of the Site Plan Review Regulations 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."

Roadways used to be its own Chapter but are now part of Chapter 157 so a waiver is being requested from Chapter 157 for this Site Plan.

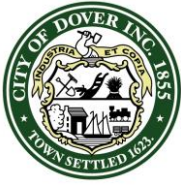
Chapter 170-27.2.F.(4) allows the Planning Board to waive setbacks for parking, paved areas, and buildings to promote intensive development of suitable sites. The Planning Board would acknowledge that relief with their vote on the waiver requests.

Staff feels the 3% slope within 75' is reasonable in this case with very little traffic on the site and the use being more industrial in nature.

Staff is also comfortable with the setback relief due to avoiding the wetlands and using the suitable area on the site.

Therefore, the Planning Department recommends the Planning Board make findings and vote to grant final approval of the waivers after making findings with the following subsequent condition:

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



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
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1. Add a note that the Planning Board approved waivers from Section 157-32.G and the front and side setbacks per 170-27.2F(4) and found that the criteria of Chapter 153-21.A. have been met.

Motion: F. Torr found the proposal is consistent with 153-21 of the Site Plan Review Regulations and moved to grant final approval of the waivers from Section 157-32.G and the front and side setbacks per 170-27.2F(4) subject to the subsequent conditions set by the Planning Department. 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. With the Conditional Use Permit and waivers, this plan is consistent with the requirements laid out in 153- 14 for a site plan in the IT' district, and complies with the zoning.

The Planning Department recommends the Planning Board vote to grant final approval of the Site Plan with the following subsequent conditions, as the plans meet the standards outlined:

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

1. The Lot Line Adjustment (P22-57) including approvals for amending conservation areas and Conditional Use Permit (P22-56) are granted.
2. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - 4.1 The stamp and signature of the PE, LLA, CWS, Architect, and LLS on the final plans
 - 4.2 Owner's signature
 - 4.3 Add permit numbers when obtained.
 - 4.4 Add notch along snow storage area and amend storm water operation and maintenance plan.

Subsequent Conditions to Be Met Prior to any Construction:

- 5 A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Planning Director.

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

- 6 Water and sewer investment fees shall be paid at the time of request of service.

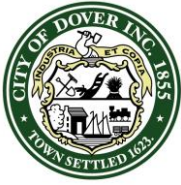
Subsequent Conditions to Be Met Prior to Occupancy:

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

Motion: F. Torr found the proposal is consistent with Chapter 153-4 of the Site Review Regulations and moved to grant final approval of the site plan review subject to conditions set forth by the Planning Department. Seconded by T. Clark. Vote: U/A

~~C. 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 ITEM HAS BEEN WITHDRAWN



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
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The Vice Chair noted Items 4D through G would be heard together.

- D. Consideration and acceptance of a Minor Subdivision for Summit Land Development, (Owner: 7 West, LLC), Assessor's Map H, Lot 11, zoned Gateway, located at Durham Road. (Proposal is to subdivide the current lot into two lots.) *(P22-75)
- E. Consideration and acceptance of a Conditional Use Permit for Summit Land Development, (Owner: 7 West, LLC), Assessor's Map H, Lot 11, zoned Gateway, located at Durham Road. (Proposal is to construct a three story 42,480 s.f medical office building creating 950 s.f. of wetland buffer impact associated with two drainage pipe outfalls.) *(P22-38)
- F. Consideration and acceptance of a Conditional Use Permit for Summit Land Development, (Owner: 7 West, LLC), Assessor's Map H, Lot 11, zone Gateway, located at Durham Road. (Proposal is to construct a medical office building 146± ft. from the front property line where a build-to-line of 5' to 20' is required, and a frontage build-out of 38% where 60% is required) *(P22-76)
- G. Consideration and acceptance of a Site Review for Summit Land Development, (Owner 7 West, LLC), Assessor's Map H, Lot 11 zoned Gateway, located at Durham Road, 250' north of Daley Drive. (Proposal is to construct a 14,160 s.f. 3 story medical office building with associated parking and access.) *(P22-39)

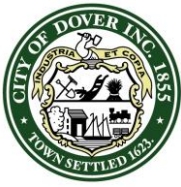
D. Benton explained that the applicant is looking to build a 14,160 s.f. footprint medical office building on a vacant lot near Exit 7 of the Spaulding and Durham Road. In order to do so, a minor subdivision is before the Board for review tonight to subdivide one lot into two, a conditional use permit to allow 950 sf. of wetland buffer impact associated with two drainage pipe outfalls which was endorsed by the Conservation Commission at their November 14th meeting. Then a dimensional CUP to allow a built to line of approximately 146 feet and a frontage build out of 38%. Then the site plan itself with the medical office building and parking and access. The City is also working with the applicant and the schools about building a connector road along the side and rear of the site to help spread the trip distribution of some of the school traffic. A traffic study was done for this proposal and indicated there wouldn't be a significant amount of traffic to warrant improvements. Each lot is allowed a driveway which is shown here but would be changed if a connector road is added in the future. That agreement would be reviewed by the City Council and School Board when the time comes.

Cory Belden, Altus Engineering represented the applications and explained the proposal for development.

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

Public hearing opened.

John Donais, 16 Durham Rd noted concern for the significant water source located behind the proposed development. Concerns include pollution, interference with the ecosystem, traffic and possible property value decrease to his property.



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Christopher Parker, Deputy City Manager representing the Office of Business Development encouraged the Board to approve the applications as presented. He addressed a potential connector road and noted there is a congestion mitigation project in the CIP, and they want to utilize some funding for that to work with the applicant to create a bi-pass option to get traffic to the schools and off the main roads.

Public hearing closed.

Mr. Belden noted the change in lot size is due to the high-water line of the river receding.

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 make the necessary and supporting findings of fact, and vote to grant final approval of the minor subdivision with the following subsequent conditions:

Subsequent Conditions 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 owners' signatures;
 - 1.2. Planning File #P22-75;
 - 1.3. The stamp and signature of the CWS and LLS on the final plans

Motion: T. Clark moved to grant final approval of the Minor Subdivision subject to all regulations and the subsequent conditions set by the Planning Department. Seconded by E. Kaspari. Vote: U/A

STAFF RECOMMENDATION-ENVIRONMENTAL CUP:

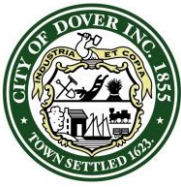
The Wetlands Protection District ordinance §170.27.1.F, provides for Conditional Use Permits to allow impacts to wetlands and wetland buffers if standards related to demonstration that no practicable alternative exists, impact avoidance was considered, impacts were minimized, and mitigation has been sought.

Planning Staff feels that the applicant considered the criteria of practical alternative, avoidance, minimization, and mitigation and propose to create minimal wetland buffer disturbance on the site. The applicant provided a memo dated November 7th, 2022 that explains the proposed project was located to minimize impacts aside from the two drainage pipes and there are no direct wetland impacts, impacts were avoided except for in the buffer for the outfall which are needed due to the grading, they were minimized to 950 s.f, mitigation isn't needed for the buffer, and the Conservation Commission endorsed the CUP request.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to grant final approval of the Conditional Use Permit with the following subsequent conditions, as the plans meet the standards outlined.

Subsequent Condition to Be Met Prior to Issuance of CUP:

1. Approval of Site Plan (P22-39) and Subdivision (P22-75) and CUP (P22-76).



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
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Motion: T. Clark found the proposal meets the wetland buffer impact and moved to grant final approval of the Conditional Use Permit subject to the subsequent conditions set by the Planning Department. Seconded by E. Kaspari. Vote: U/A

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 nine standards.

This plan is consistent with the criteria as described in the applicant's narrative and presentation tonight.

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 **build-to-line** relief on the northern boundary is needed due the topography challenges of this lot.

The **minimum frontage buildout** is not being met due to the environmental constraints on the property.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and 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 the Issuance of the CUP:

1. A Standard Development Agreement be signed and recorded at the Strafford County Registry of Deeds.
2. Approval of Site Plan (P22-39) and Subdivision (P22-75) and CUP (P22-38).

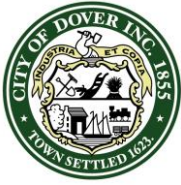
G. DeBoer noted concerns about the traffic at that intersection and the road that is proposed. Back River Rd, Durham Rd and Central is a concern. He would like more input on how that will be mediated. He has some questions about the proposed road into the school lot. It seems there will be more designing needed to work on that plan.

D. Benton responded that there is a peer review/ traffic engineer looking at that intersection and the connector road. That is still in progress and not part of tonight's applications. Plans for the road will come back to the Planning Board for review when ready.

Chad Kageleiry, owner, shed some light on the traffic concerns noting the proposed medical building will have employees coming to work around 8am, patients will come in throughout the day and employees will leave around 5pm. They are trying to work with staff to mitigate the traffic issues in the area around school time, but this proposal shouldn't have much affect on that circumstance.

Motion: T. Clark found the proposed CUP meets regulations and moved to grant final approval of the Conditional Use Permit subject to the subsequent conditions set by the Planning Department. Seconded by E. Kaspari. Vote: U/A

STAFF RECOMMENDATION-Site Plan:



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DOVER PLANNING BOARD – MINUTES

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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. With the Conditional Use Permits, this plan is consistent with the requirements laid out in 153- 14 for a site plan in the Gateway district, and complies with the zoning.

The Planning Department recommends the Planning make findings, and vote to grant final approval of the Site Plan with the following subsequent conditions, as the plans meet the standards outlined:

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

1. The Minor Subdivision (P22-75), Conditional Use Permits (P22-76 and P22-56) are granted.
2. Standard Development Agreement between Planning Board and applicant or property owner be reviewed by the City Attorney for legal review, Planning Director for content review and include general CUP language and recorded at SCRD.
3. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
The stamp and signature of the PE, LLA, CWS, Architect, and LLS on the final plans
 - 3.1. Owner's signature
 - 3.2. Revise Planning File number P22-39 for Site Plan
 - 3.3. Remove Planning Board stamp block.
 - 3.4. A note added to the plan that if connector road or another phase is proposed, full Technical Review and Planning Board review may be required.
 - 3.5. Add note to plan that if connector road is added, current proposed driveway would be changed to right-in, right-out only with additional curbing to limit left-turn in on the westerly driveway.
 - 3.6. Revise all references of "Handicap" to "Accessible"
 - 3.7. Add permit numbers when obtained.

Subsequent Conditions to Be Met Prior to any Construction:

- 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. Site Construction sign shall indicate level of visibility/noise/vibration disturbance anticipated each day.
- 5 A pre-blast meeting shall occur prior to any blasting per Chapter 153-10F.

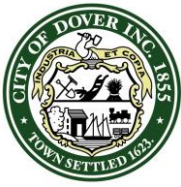
Subsequent Conditions to Be Met Prior to Issuance of a Building Permit:

- 6 Property owner or applicant has to present for conveyance the right-of-way from Durham Road to lot H/11-1 to City Council for acceptance.
- 7 Water and sewer investment fees shall be paid at the time of request of service.

Subsequent Conditions to Be Met Prior to Occupancy:

- 8 If Development agreement is entered into between the property owner and City/City Council, then any conditions and duties of the Developer contained in Development Agreement be completed and satisfied. If there is no Development agreement entered into between the property owner and City/Council, then this condition shall be of no effect.
- 9 Issuance of a certificate of occupancy.
- 10 Impact fees shall be paid per the invoice included with the Notice of Decision or online portal.
- 11 The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

K. Pimental commended the applicant on their landscape plan.



CITY OF DOVER

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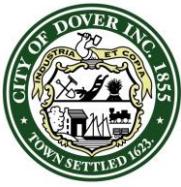
Motion: T. Clark, with confidence in the Planning staff and the developer to figure out a long-term solution to the traffic issue, found the site plan meets regulations and moved to grant final approval of the Site Plan subject to the subsequent conditions set by the Planning Department. Seconded by F. Cullen.
Vote: U/A

5. STAFF COMMENTS

- General question: if the Board did not specify what party a development agreement is with, do they have a preference on applicant vs. property owner.
 - The board discussed and determined they prefer it to be the property owner
- Land Use Board Meet and Greet January 10th at 5:30pm in McConnell Center cafeteria.
- Start thinking about any amendments as we will have elections and goal setting on January 10th as well. Meeting is at the McConnell Center
- Passed out flyers. Vision Chapter Public Forum on February 9 at 6pm on Zoom register online. Check out the Vision Chapter webpage.
- TRCs since last meeting:
 - Site Review for VC Dover Investment, LLC Assessor's Map H, Lot 4-3, zoned Commercial, located at 30 Grapevine Drive. (Proposal is for a 4-story mixed-use building, consisting of forty-nine (49) apartment units, 4,030 sf fitness area, and a 1,320 sf coffee shop). A Conditional Use Permit for RCM Overlay District will also appear before the Planning Board. (P22-72/SITE-2022-0017)
 - Site Review for Charter Foods North, LLC, (Owner: VC Dover Investments, LLC) Assessor's Map H, Lot 4-3, zoned Commercial, located at 30 Grapevine Drive. (Proposal is for a 2,500 sf Fast-food Restaurant). A Conditional Use Permit for RCM Overlay District will also appear before the Planning Board. (P22-74/SITE-2022-0018)
 - Amendment to Site Review for Q, LLC, Assessor's Map D, Lot 11-4, zoned IT, located 110 Venture Drive. (Proposal is to add a mobile self-contained firing range on the existing site.) (P21-77A/WAIV-2022-0004)
 - Consideration and acceptance of an Amendment to Site Review for Q, LLC (Owner Quality Way, LLC), Assessor's Map D, Lot 11-4, zoned IT, located at 110 Venture Drive. (Proposal To review a 345 s.f. detached building (Phase I) to expand the applicants product testing capabilities. The proposal also includes the previously approved building addition and parking expansion (Phase II) *(P21-77A/WAIV-2022-0004)
- TRCs coming up:
 - Amendment to Site Review for The Station Apartments, LLC, Assessor's Map 31, Lot 4-1, zoned CBD-TOD, located at Jewett Circle (2 Grove Street). (Proposal is to amend approved plan to remove retaining wall.) (P20-56A)
 - Second TRC for VC Dover at 30 Grapevine
 - Outdoor dining discussion
- Wished them all Happy Holidays

6. MEMBER COMMENTS

- Chair Cruikshank read Lot Merger form for lot 28/13 and Lot 28/14
- Chair Cruikshank read lot merger form for 28/15-1 and 28/15



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

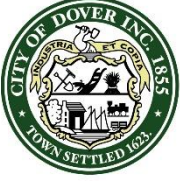
Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 13, 2022**
Meeting Time: **7:00 pm**

- Signed Development Agreements for: CPI Management LLC, Storage Barn, 36-38 New Rochester, and 757 Central
- Signed Plans for: Gulf Road Lot Line Adjustment and Bay View Road lot line adjustment

7. ADJOURNMENT

Motion: K. Pimental moved to adjourn at 8:13pm. Seconded by E. Kaspari. Vote: U/A

DRAFT



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P22-77

Application Type: Transfer of Development Rights
Applicant(s): Reynolds Avenue North, LLC
Owner(s): Reynolds Avenue North, LLC
Location: 100 Education Way (Assessor's Map E, Lot 27-B) January 10, 2023
Meeting Date: January 10, 2023

5.

- A. Consideration and acceptance of a Transfer of Development Rights for Reynolds Avenue North, LLC, Assessor's Map E, Lot 27-B, zoned IT and RCM, located at 100 Education Way. (Proposal is to exchange conservation area for 166 extra units for a total of 394 residential housing units with 420,365 s.f. of Commercial and Retail Space). *(P22-77/TRAN-2022-0004)

Will not be heard on Tuesday, January 10, 2023 at the Dover Planning Board Meeting

§ 153-4 **Applicability.**

[Amended 4-23-1991; 8-26-2008; 3-23-2010; 1-24-2012; 12-18-2012; 5-24-2016]

Prior to the issuance of a building permit by the Building Official, the owner or his/her authorized agent shall apply for and secure any required site review approval. This site review approval shall be in accordance with the rules and regulations contained herein for the following development types:

A. New development or redevelopment. Site review and Planning Board approval will be required for:

- (1) Nonresidential uses;
- (2) Multifamily dwellings of five or more units;
- (3) Construction of impervious surfaces/parking areas larger than 4,000 continuous square feet. A single-family home or two- or three- to four-family dwelling unit shall not be regulated by this provision; ~~and~~ or [Amended 6-12-2018]
- (4) Construction activities that result in a land disturbance of greater than or equal to one acre or less than one acre if part of a larger common plan of development that would disturb one acre or more.

B. Minor Site Plans (Expansions and/or additions). Site review and approval by either the Planning Board or the Technical Review Committee is required for minor site plans, hereby defined as ~~Technical Review Committee review will be required for any of the following: expansions and/or additions to existing development.~~

- (1) Any increase of nonresidential development resulting in an expansion of gross floor area exceeding 2,500 square feet.
- (2) Any addition to a residential structure resulting in the creation of five or more additional units.
- (3) Any accessory structures with floor areas exceeding 1,500 square feet.
- (4) Any expansion of an impervious surface/parking area larger than 1,000 square feet. A single-family home or two- or three- to four-family dwelling unit shall not be regulated by this provision. [Amended 6-12-2018]
- (5) Any construction activities that result in a contiguous land disturbance of greater than or equal to 20,000 square feet.
- (6) Any construction activities that result in a contiguous land disturbance of greater than or equal to 1,000 square feet if the activity is located in or within 50 feet of a wetland or conservation district.

(7) Minor amendments to plans that have previously received final site approval, such as relocation of utilities, size and location of impervious areas, landscaping, or screening. A request for approval of a minor amendment to a site plan shall not subject the entire site plan to re-approval—its scope shall be limited to the minor amendment(s) requested or sought.

C. Change of use of existing structures. Site review by the Planning Board will be required for a change in conforming use with a new use allowed in the zoning district in which the tract or structure is located. For the purposes of this subsection, the definition of a new use shall not include any uses which have previously existed on the site since the adoption of the Dover Zoning Ordinance (July 1948). The following criteria constitute a change in use:

- (1) Development which causes a residential structure to be converted, resulting in an increase of five or more units.

- (2) Proposals that would change the use of an existing structure containing 25,000 square feet or more of gross floor space. The proposed square footage shall be measured around the inside perimeter of the space to be changed, including all floors of a multifloor structure. In the event that an existing structure is being subdivided and the new use in only a section of the new space is known, the entire original space must be considered in the calculation.
- D. Any proposal which may not otherwise require site approval by these regulations but, in the judgment of the Director of Planning and Community Development, may by statute be required to get site approval and or has the potential for having a significant impact on the health, safety and welfare of the community, shall may be referred to and reviewed by the Technical Review Committee for required approval.
- ~~E. Notwithstanding the above criteria, the Technical Review Committee, per RSA 674:43 by majority vote may approve minor site plans. It also may require any project that the Committee has determined has a significant projected impact on traffic, health, welfare, environmental quality, and safety issues to appear before the Planning Board for site review. Any projects requiring waivers or Conditional Use Permit to meet regulations, shall be forwarded to the Planning Board for review.~~

§ 153-6 Application requirements; Technical Review Committee.
[Amended 8-26-2008; 3-23-2010; 1-24-2012]

- A. Prior to the formal submission of an application for site review by the Planning Board, the applicant shall meet with the Technical Review Committee. Said meeting(s) shall serve to assist the applicant in preparing a development proposal that is technically conforming to the regulations contained herein. The Technical Review Committee shall be comprised of the Planning Board Chair, the Conservation Commission Chair, City Engineer, Fire and Rescue Chief, Police Chief, Zoning Administrator, Economic Development Director and Director of Planning and Community Development, who shall serve as Chair. All Committee members shall have a designated alternate available in their absence. For projects under the threshold described in Section 153-4.A but meeting the threshold of 153-4.B(1) through (5) may be approved by the majority vote of Technical Review Committee per RSA 676:43 provided no waivers or Conditional Use Permits are necessary to meet regulations.
- B. A completed application sufficient to invoke jurisdiction of the Planning Board (or, for minor site plans, the Technical Review Committee) shall include the following elements:
- (1) A completed application form, available at the Department of Planning and Community Development office and through the online portal.
 - (2) A completed site review checkoff list.
 - (3) A written narrative description of the proposed project, addressing its purpose, scope of operation, and impact on the immediate area of influence and the City in general (traffic, schools, utilities, land use compatibility, aesthetics, land and water resources, etc.).
 - (4) Ground/aerial photographs of the site and immediate area.
 - (5) ~~Fifteen-Four~~ copies of the site development plan as more fully described in Article IV of this chapter. Transmit a pdf of the site development plan via e-mail to dover-planning@dover.nh.gov. (Note: Only ~~eight~~ three copies of the preliminary plan need to be submitted initially for review by the Technical Review Committee. However, the applicant shall check with the Planning Department about number of

copies will be required for submission of the complete application to the Planning Board.) [Amended 5-24-2016]

- (6) A list of owners, applicants, and professionals involved in the application. Additionally a fee for the City to create a list of abutting property owners that lie within 200 feet of the subject parcel. Information shall include name, mailing address, and Dover Tax Map and lot numbers for the applicant to review. The City will prepare verified mailings. [Amended 1-14-2020; 7-27-2021]
- (7) A fee of an amount to be determined in accordance with the fee schedule contained in § 153-18 of this chapter.
- C. For all applications where approval from the Planning Board is sought, The the applicant shall file the application with the Planning Board office at least 21 days prior to the Planning Board meeting, at which time the application will be considered for acceptance and, if accepted, -accepted and a public hearing held. In the case of minor site plans for which final approval is being sought from the Technical Review Committee, the applicant shall file the application with the Planning Board office at least 21 days prior to the Technical Review Committee meeting, at which time the application will be considered for acceptance and, if accepted, a public hearing held. [Amended 1-14-2020]
- (1) The applicant and abutters shall be notified of said public hearing by verified mail, with return receipt requested, stating the time, date and place of such hearing. Notice will be mailed at least 10 days prior to the date of the meeting, by the city-
- (2) Such public hearing shall be advertised in a newspaper of general distribution not less than 10 days prior to the said meeting.

§ 153-7 Planning Board action.
[Amended 8-26-2008]

- A. The Planning Board shall take no action on an applicant's development proposal until it has received a report from the Technical Review Committee evaluating said proposal.
- B. The Planning Board shall act to approve or disapprove within 65 days after formal acceptance of the application.
- C. ~~The Planning Board may petition the City Council for an extension not to exceed an additional 90 days before acting to approve or disapprove an application.~~ The applicant may waive the requirement for Planning Board action and consent to such extension as may be mutually agreeable.
- D. The Planning Board may request technical assistance from experts in any field in making a proper determination of the physical, social, economic, and environmental or other impact of a proposed development on the community. In the event that said technical assistance would require remuneration, the applicant shall be responsible for such costs.
- E. The Planning Board shall, as deemed necessary, place conditions on such approval, including the posting of a performance bond or escrow agreement as specified in § 153-11 of this chapter.
- F. The action of the Planning Board shall be recorded in writing and shall be transmitted to the applicant, stating the reasons for approval, approval with modification, or disapproval. Such correspondence shall specify, where appropriate, those aspects in which the site review application fails to conform to the City's ordinances or to other essential planning criteria, as determined by the Planning Board in accordance with § 153-5 of these regulations.
- G. The Planning Board may grant preliminary site review approval; however, said approval shall not

qualify the applicant to receive a building permit for the construction of said project. Said approval shall remain in effect for a period not to exceed one year. In the event a development is being constructed in phases, the applicant may, by prior written agreement with the Planning Board, receive a preliminary site approval for a period not to exceed two years.

- H. For minor site plans, in accordance with RSA 674:43, III, the Technical Review Committee may exercise the Planning Board's site review power and duties to grant final approval with respect to minor site plans, subject to the following:
- (1) The Technical Review Committee may, by majority vote, grant final approval of minor site plans, subject to a right to appeal to the Planning Board by notice of appeal filed with the Planning Board office within 20 days of the Technical Review Committee's final decision. In any appeal to the Planning Board, the appellant shall bear the costs of the public notice of hearing, new notices to abutters, and notice to others entitled by law
 - (2) The application, acceptance, and approval procedures for minor site plans reviewed by the Technical Review Committee shall be the same as those set forth in these regulations and other law applicable to the Planning Board, except that the Technical Review Committee shall act to approve or disapprove within 60 days after submission of applications, subject to extension or waiver as provided in RSA 676:4, I(f).
 - (3) In any matter for which final approval is sought from The Technical Review Committee, the Technical Review Committee may, by majority vote, issue a final decision denying a request for relief that, in the Technical Review Committee's view, is not a "minor site plan" and therefore should instead be granted by the Planning Board. Such a denial will be without prejudice to the applicant re-filing the application seeking the same or similar relief from the Planning Board.