



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, June 27, 2023**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Hayley Harmon (Vice Chair), Mark Speidel, Kyle Pimental, Tom Clark, Fergus Cullen (Councilor), Jon Elliard (Alternate), George DeBoer (Alternate)

Members Not Present (excused): Ken Mavrogeorge, Erinn Kaspari, Melina Gambino (Alternate)

Members Not Present (un-excused): None

Staff Present: Natasha Kypfer, Assistant City Planner/Zoning Administrator and Erin Bassegio, Outreach Coordinator

G. Cruikshank called the meeting to order at 7p.m and explained the citizens' forum process and noted Jon Elliard would sit for the vacant position and George DeBoer for Ken Mavrogeorge.

1. CITIZENS' FORUM

Citizens Forum Open

David Emery, 39 Grandview Drive, gave comments related to Items 3. A. – C. on the agenda, and in general. He gave history of Grandview going in about 20 years ago with City water and septic. He explained personal experiences with the septic in the neighborhood. He explained why he is not in favor of septic fields and in favor of connection to City sewer when feasible.

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- June 13, 2023 Regular Meeting Minutes

Motion T. Clark moved to approve June 13, 2023 Regular Meeting Minutes. Seconded by: J. Elliard. Vote: U/A

3. OLD BUSINESS

The Vice Chair announced Items 3A,B, and C will be heard together.

- A. Discussion and possible vote of a Conditional Use Permit for Chinburg Development, LLC, Assessor's Map N, Lot 13-1, zoned R-40, located at Gulf Rd and Oak St. (Proposal is to construct a road and driveways, as well as the installation of drainage structures and systems with associated grading as part of a 12-lot open space subdivision, creating 11,956 square feet of impact to the Conservation District (steep slopes in excess of 20%)). *(COND-2023-0034)
- B. Discussion and possible vote of Conditional Use Permit for Chinburg Development, LLC, Assessor's Map N, Lot 13-1, zoned R-40, located at Gulf Rd and Oak St. (Proposal is to construct a road and driveways, as well as the installation of drainage structures and systems with associated grading as part of a 12-lot open space subdivision, creating 32,089 square feet of impact to wetland buffers). *(COND-2023-0039)
- C. Discussion and possible vote of an Open Space Subdivision for Chinburg Development, LLC, Assessor's Map N, Lot 13-1, zoned R-40, located at Gulf Rd. and Oak St. (Proposal is to subdivide one lot into 12 lots). *(SUBD-2023-0001)

T. Clark recused himself from items 3 A, B, and C due to the fact he works for the Town of Rollinsford.

Motion: F. Cullen moved to remove the items from the table. Seconded by: G. DeBoer. Vote: U/A

N. Kypfer explained that following the May 23rd Planning Board meeting, staff followed the procedure for declaring regional impact by notifying Rollinsford and SRPC. SRPC reviewed the applications for regional impact and have provided their determination and minutes of that meeting in your packets. Abutters have raised concerns to staff about the truck route which Lt. Speidel offered to have the TAC discuss but that



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there is not a better option and that Community Services and TAC discussed the lack of sidewalks in the area and support the waiver in this specific case as there aren't sidewalks nearby and the right of way is tight. Staff also heard that abutters would like clarification on the limits of cutting and the landscaping that will be replaced so staff has asked the applicant to discuss that in more detail tonight.

K. Pimental noted he works for SRPC and they reviewed this item for regional planning, however, he was not personally involved with the review but is willing to recuse himself if the Board finds it appropriate. Board members did not find any issue with him sitting the item.

Steve Haight, CivilWorks NE, represented the applications. He showed an image of the updated, color landscape plan with the fields, tree area, and house lots depicted. Old Oak St would be upgraded to a city road.

Motion: F. Cullen moved to reopen the public hearing. Seconded by: H. Harmon. Vote: U/A

Public hearing re- opened

W. Reddington, attorney spoke on behalf of Dahn Tibbett, 130 Gulf Rd which abuts the subject property. They support staff recommended conditions 2.4 and 2.5.

He suggests the board check to be sure the access to the class IX road is not blocked by trees.

They believe the wetlands delineation is inaccurate and should be reviewed by a wetlands scientist.

The wetland delineation differs between plans submitted 2017 and 2022.

The cemetery on site is not noted on the most recent plan submitted by the applicant. RSA states no new construction shall occur within 25 feet of a known burial site.

Sidewalk waiver: no issue with the internal sidewalk however they request the board deny the waiver for the sidewalk on Oak St as there is a lot of pedestrian and traffic and there are no curbs and the roadway is narrow. It is a safety issue for the owners of the new lots, pedestrians, trucks and local traffic.

This resident has filed at superior court on a previous applicable issue and suggests the board not act on this application until that decision comes in.

Jean Clark, 21 Elmwood Ave expressed concerns regarding traffic.

Between 7-8am she counted all of the various vehicles that passed her house- 243 total in the hour. These new homes will experience this noise from traffic. She requested the applicant add screening along the road to bring back the rural character after the trees are removed for construction. She asked about the water shortage and restrictions during droughts. Will particular plumbing fixtures ever be required by Dover? She is not in favor of ruining wetlands for development.

N. Kypfer read a letter received today from Deb Towle of 8 Elmwood.

S. Haight addressed public comment:

- The subdivisions are not connected. The original subdivision was done for another client, which has now been purchased by this applicant. It's not appropriate to put these projects together as they are separate.
- The applicant purchased this land from Mr. Reddington's client.
- The cemetery is on the abutting parcel- not the site in question.
- The wetlands delineations were done by a licensed wetlands scientist.
 - As discussed at the last meeting, there was a change in how the wetlands are identified and delineated which is why there is a difference.



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- Having a court case on a different project does not have any bearing on this application.
- Traffic will have normal increase due to the development- about 100.
 - Sidewalks, access and traffic were discussed with city officials, and they are aware of issues in that area, but this project won't exasperate it more noticeably than it is.
 - Applicant has done a great job with density and open space.
- Signage was discussed with staff for placement and if in the field it is determined to be in the way, that can be looked at. Same with trees.
- They will maintain as much vegetation as possible along Oak St.
- There are no wetlands impacts for the proposed project.
- Stormwater, drainage, etc. has all been thoroughly reviewed by committee prior to this meeting.
- Conservation Commission has submitted support for the project.

The Chair noted that City Engineer clarified last time that there is not a shortage of water when there are restrictions. Mr. Haight noted water fees are given as part of these projects to go towards maintenance of water supply.

K. Pimental asked for Mr. Haight to address the change to wetlands delineations and asked how difficult it would be to add sidewalks to that road if/when the City decides to add connecting sidewalks.

Mr. Haight addressed these items and noted if the City wishes, the applicant could do the grading for future sidewalks now if desired. He also addressed the concern about septic vs City sewer.

Mr. Speidel was confused about lot 11 and asked about the topography. Mr. Haight described the proposed driveway for that lot.

Mr. Haight addressed wetlands questions and noted the open space of this subdivision is not for public use. It is conservation land for the subdivision only and is mostly wetland.

The board discussed whether to make specific conditions regarding vegetation and tree placement or leave it to the applicant to work with staff.

The board discussed whether to ask the applicant to grade for sidewalks within the development (not Oak St).

Public hearing closed

STAFF RECOMMENDATION- CUP (Steep Slopes):

The Conservation District ordinances provide for Conditional Use Permits to allow impacts to the Conservation District if standards related to demonstration that the use is essential to the productive use of land, a soil erosion and sedimentation control plan is submitted, state and federal approvals have been applied for, and a written review by the Conservation Commission has been sought.

Planning Staff feels that the applicant considered the criteria of streets being essential to the productive use of land, soil stabilization, erosion control, water management, runoff control, land clearing, stabilization of drainage ways, perimeter controls, sediment trapping devices, storm drain inlet protection, state permits are applied for, and a written narrative was provided and Conservation Commission endorsement provided have been met in the applicant's narrative as part of their CUP application.

The Planning Department recommends make findings and vote to approve the Conditional Use Permit with the following subsequent condition:



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

1. The owner shall sign the final plans before Planning Board signature.
2. Subdivision (SUBD-2023-0001) be approved.
3. CUP (COND-2023-0039) be granted.

Motion: F. Cullen moved grant the Conditional Use Permit, with subsequent conditions as it meets the criteria for granting a CUP for steep slopes based off the testimony tonight and the narrative in the application. Seconded by: K. Pimental. Vote: U/A

STAFF RECOMMENDATION—CUP Wetland Buffer:

The Conservation 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/wetland buffer disturbance on the site as described in the narrative in the application materials.

The Planning Department recommends the Planning Board make findings and vote to approve the Conditional Use Permit with the following subsequent condition:

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

1. The owner shall sign the final plans before Planning Board signature.
2. Add note to plan that the historically mowed fielded areas will be allowed to revegetate.
3. Subdivision (SUBD-2023-0001) be approved.
4. Conditional Use Permit (COND-2023-0034) be approved.

Mr. Haight addressed subsequent condition 2 with the Board. After discussion amongst the applicant and the Board, the condition is revised to read: "Add note to plan that the historically mowed fielded areas will be allowed to be maintained."

Motion: G. DeBoer moved to grant the Conditional Use Permit, with subsequent conditions as it meets the criteria for granting a CUP for wetland buffers based off the testimony heard tonight and the narrative in the application. Seconded by: J. Elliard. Vote: U/A

STAFF RECOMMENDATION-Waiver request:

The applicant is requesting a waiver from §157-45 to not have sidewalks on Oak Street or the internal roadways. Section 157-51.A. of the Land Subdivision Regulations states: "The Planning Board may waive specific provisions of this chapter. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that if one of the two criteria have been met. Staff feels based off feedback from Community Services that criteria 1 has been met. (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.

The Planning Department recommends that the Planning Board vote to make the necessary and supporting findings of fact, and vote to grant the sidewalk waiver with the following subsequent condition:



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Subsequent Condition to Be Met Prior to Signing of Plans:

1. Add a note to the plat that the Board granted a waiver to Chapter 157-45 (sidewalks) and that the Board found the criteria of Chapter 157-51.A have been met.

Motion: K. Pimental moved to grant the waiver as criteria 2 has been met. Seconded by: F. Cullen.
Discussion occurred about the sidewalks and what was discussed at TAC and Planning Dept position that the applicant has met the criteria for the waiver.

Vote: U/A

STAFF RECOMMENDATION – Major Subdivision:

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

The Planning Department recommends that the Planning Board vote to make the necessary and supporting findings of fact, and vote to approve the major subdivision with the following subsequent conditions:

Subsequent Conditions to Be Met Prior to Signing of Plans:

1. CUPs (COND-2023-0034 and COND-2023-0039) are granted.
2. Provide physical and digital copies (including CAD to the satisfaction of the Asset Management Coordinator) of complete plan set for recording at Strafford County Registry of Deeds, which additionally shall include:
 - 2.1. The PE, CWS, and LLS signatures and stamps
 - 2.2. The owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
 - 2.3. Added note that the open space meet the requirements of Section 157-21 including that the subject land may be owned, leased or controlled either by a single person, a corporation or by a group of individuals or corporations. An approved open space subdivision shall be binding on the project land and owner(s) and shall be so indicated on each individual deed.
 - 2.4. Re-located trailhead parking sign to not impede public access.
 - 2.5. Replace no access sign with the Class VI sign.
3. Have PE stamp traffic impact analysis.
4. The applicant shall provide homeowners association documents to be reviewed and approved by Planning Director in consultation with the City's General Legal Counsel be recorded at the SCRD which include calculation used to determine reserve amount in the treasury, prior to converting ownership and maintenance obligations, including stormwater, road, septic, open space maintenance/ownership, and private road requirements.

Conditions to be Met Prior to Construction Activity:

5. Obtain permission to do work on Class VI right of way.
6. The wetlands buffer placard shall be placed per the plan.
7. A pre-construction meeting is held with City staff, engineer of record and the site contractors.
8. The applicant seek conditional acceptance of the improved right-of-way by the City Council.

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

9. Land use change fees paid.
10. The new dwelling units shall be assessed and pay the current water fees in place at the time of application for service.



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11. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

Conditions to be Met Prior to Occupancy:

12. Issuance of a Certificate of Occupancy.
13. Documentation that the HOA has been created and is in place.
14. Impact fees per unit shall be paid per the invoice attached to the Notice of Decision or on the portal.
15. The Engineer of record meet with the HOA to go over operation and maintenance requirements.
16. Confirmation all land use fees paid.
17. If conditional acceptance was granted, then final acceptance shall be sought.

Motion: K. Pimental moved to add a note to the plan that grading will be added on the street coming off Oak Street, to be better prepared for a future sidewalk. Seconded by: G. DeBoer. Vote: 5-2 with G. Cruikshank and Councilor F. Cullen opposed.

Motion: F. Cullen moved to approve the major subdivision with subsequent conditions as it meets the criteria based off the testimony heard tonight and the narrative in the application. Seconded by: K. Pimental. Vote: U/A

The Chair noted for the public that all of the wetlands impacts are vetted by Conservation Commission and/or NHDES before they come before the Planning Board.

4. NEW BUSINESS

- A. Consideration and acceptance of a Lot Line Adjustment for Northam Survey, LLC (Owners: Paul & Alice Gasses Co-Trustees of Gasses Farm Revocable Trust of 2009 & Portsmouth Christian Academy), Assessor's Map J, Lots 1 & 1-C, zoned R-40, located at 120 Garrison Road & 20 Seaborne Drive. *(LOTA-2023-0003)

The board took a 5-minute recess.

N. Kypfer explained that the Board has heard this request at their May 9th meeting but did not accept the application for review so this is a re-do. The applicants are requesting to complete a lot line adjustment between two lots with 12.7353± ac. from Lot J-1 to Lot J-1-C, leaving Lot J-1 with 20.8055± ac. and Lot J-1-C with 60.4119± ac. Both lots will continue to meet the zoning dimensional requirements post adjustment. As a Lot Line Adjustment, this application did not appear before the TRC.

Eric Salovitch, of Northam Survey represented the application and noted he had explained the item at the last meeting and has nothing further to add. The applicant has no issues with the conditions.

Motion: T. Clark moved to accept and declare no regional impact. Seconded by: H. Harmon. Vote: U/A

Public hearing opened

None

Public hearing closed

STAFF RECOMMENDATION:

Chapter §157-17 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations.



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The Planning Department recommends the Planning Board make findings, and vote to approve the application 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 #LOTA-2023-0003
 - b. The owner's signatures
 - c. The LLS stamp and signature
 - d. Add Common Note #9, listing the previous variance granted by the ZBA.
 - e. Confirm and label arc length along traffic circle which previous subdivision indicates is 150'.

Motion: T. Clark moved to approve the Lot Line Adjustment with subsequent conditions, as it is consistent with the regulations. Seconded by J. Elliard. Vote: U/A

- B. Discussion and Public Hearing on expanding the Community Trail from Bellamy Road through city-owned property across the river to Bellamy Park (avoiding the disc golf course), behind Martha's Way and Lilac Lane to Knox Marsh Road. All persons wishing to speak on the expansion which is currently in the engineering study phase are urged to attend. *

N. Kypfer explained the City has received funding through NHDOT to further expand the Community Trail. Part of that process is for a local concerns meeting. She then introduced Project Engineer Nicole Fox of Fuss & O'Neill to provide the presentation.

Nicole Fox and Amy Johnson, Fuss & O'Neill represented the project. They gave a presentation which reviewed the project process, the project area, and the existing conditions. They asked for feedback, concerns and ideas.

Board members asked clarifying questions. The presenters responded:

- the bridge that crosses the river will be made of concrete or steel
- the easements have not yet been negotiated as the route options have not been confirmed
- this does not currently connect to the community trail
- unsure if it will connect at the far end or not. They are not working on the project beyond that point.
- Location of the bridge was clarified
- Parking

K. Pimental noted there are existing trails that may connect in that area and directed the presenters to the information on the City website.

Public hearing opened

N. Kypfer read into the record two letters received to the Planning office.

-Bryant Hardwick, 129 Portland Ave

-Laurie and Greg Smith, 36 Fisher St

Public hearing closed.

N. Fox explained next steps.



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The Vice Chair announced Items 4C & D will be heard together.

- C. Consideration and acceptance of Conditional Use Permit for VC Dover Investment LLC, Assessor's Map H, Lot 4-3-2, zoned C**, located at 30 Grapevine Drive. (Requesting a new CUP with this phase of the development which is to construct a 4-story mixed-use building in the RCM Overlay District.) *(COND-2022-0031)
- D. Consideration and acceptance of a Site Review for VC Dover Investment, LLC, Assessor's Map H, Lot 4-3-2, zoned C** and RCM Overlay, located at 30 Grapevine Drive. (Proposal is to build a new 15,040 sf (footprint), 4 story mixed use building with 49 units through Transfer of Development Rights, 3,850± s.f. of gym and 2,367± s.f. of eating and drinking establishment.) *(P22-72/SITE-2022-0017)

N. Kypfer said that this project is part of a larger mixed-use site that was approved as a CUP in the RCM Overlay years ago. This is to update that CUP and for site plan review for a mixed-use building including a TDR request to purchase 49 units as well as two waivers (one for parking lot location which is a requirement that went in to zoning more recently after the initial master plan was designed and for paper plan size) and then the site plan review.

Jim Robinson, TF Moran, represented the applications and explained the proposal for the development including revisions to the original plans. The applicant has no issues with any of the conditions in the staff report.

Ari Pollack of Gallagher Firm explained the TDR request.

J. Elliard asked about the traffic issues in that area and if a study has been done and what the proposed solutions are.

There is an application submitted and under review with DOT. If an improvement is required prior to obtaining the permit, the applicant will have to come back. The applicant's study of the traffic reflects the traffic demands will be met by the infrastructure improvements proposed.

G. DeBoer asked for more information about retention basins and landscaping which Mr. Robinson addressed.

M. Speidel asked for clarification on unit counts for each floor which were explained.
The applicant is requesting to purchase 49 units for \$43,267 which goes to the Conservation Fund.

Discussion occurred about how much TDR units cost. This project is \$833/unit for the TDR Village Fee.
N. Kypfer explained the levels of TDR fees based on size restrictions or HUD.

Motion: F. Cullen moved to accept both applications and declared no regional impact. Seconded by: H. Harmon. Vote: U/A

Public hearing opened

Scott Torr, 217 Durham Rd, abutter to the subject property noted there is currently a white fence along Grapevine Dr and he requests the applicant work with the owner to continue the fence line to stop the foot traffic from cutting through.

Public hearing closed



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The applicant is amenable to adding the fence if they can work out the exact placement of the fencing along the property lines.

STAFF RECOMMENDATION-CUP:

The Zoning Ordinance outlines that:

- (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 [153-16], 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 155.22.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.

Staff feels the criteria of this CUP has been met as the applicant has provided narratives that indicate the specific compliance with each criterion and has the development agreement per (2) as a condition of approval.

The Planning Department recommends the Planning Board vote to grant the Conditional Use Permit as the plans meet the standards outlined:

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

1. Site Plan (SITE 2023-0017) is approved.
2. A note is added that any further development requires further site plan review.
3. A standard development agreement between the Planning Board and applicant is submitted, signed by the Chair, and recorded at the Strafford County Registry of Deeds.

Motion: T. Clark moved to grant the Conditional Use Permit with subsequent conditions as it meets regulations. Seconded by: F. Cullen.

K. Pimental reviewed the TDR fee structure again and noted there is a huge variance of fee amount for properties in the village. N. Kypfer explained that "Village" is not a location, but a style of TDR under the zoning regulations.

Vote: 7-1 with Speidel opposed.

STAFF RECOMMENDATION-TDR:

Chapter 170-27.2 outlines the criteria for granting Transfer of Developments Rights. This plan satisfies those criteria.

The Planning Department recommends the Planning Board make findings and vote to grant the Transfer of Development Rights request for the 49 residential units with the following subsequent conditions:



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

1. TDR fees have been paid.
2. A note added to the plan set noting that the 49 units were purchased through Transfer of Development Rights.

Motion: F. Cullen moved to grant the selling of 49 TDR units through Transfer of Development Rights with subsequent conditions. Seconded by: J. Eliard. Vote: 7-1 with Speidel opposed.

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."

The Planning Department recommends the Planning Board accept the application and note it is not of regional impact, hold a public hearing, and vote to grant the waivers with the following subsequent conditions:

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

1. Add note that the Planning Board granted waivers for Section 153-14.K (parking lot location) and the plan size from the checklist and found the criteria of Chapter 153-21.A have been met.

Motion: F. Cullen moved to grant the waivers as Chapter 153-21 have been met. T. Clark seconded. Vote: U/A

STAFF RECOMMENDATION-Site Plan:

Chapter 153-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. This plan is consistent with the regulations.

The Planning Department recommends the Planning Board 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. CUP (COND-2022-0031) is approved.
2. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - 2.1. The stamp and signature of the PE, LLA, CWS, Architect, and LLS on the final plans
 - 2.2. Owner's signature
 - 2.3. Permit numbers added to the plan set.
3. City Engineer with consultation from the City Attorney an easement discussing the hydrant flushing and access to individual unit curb boxes be reviewed and recorded at the SCR.D.
4. Applicant shall provide formal emergency pump station management plan for long-term power outages.



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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.
- 9 The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

Motion: K. Pimental moved to approve the site plan review with subsequent conditions. Seconded by: T. Clark. Vote: U/A

- E. Consideration and acceptance of a Site Review for Fuss & O'Neil (Owners: 655 South Willow Dover, LLC & GF Fund 1500 Elmwood Dover LLC & Property Management Solutions), Assessor's Map H, Lot 41-P, zoned RM-SU, located at 11 Karolina Drive. (Proposal is a 4,600 sf amenity building with associated site improvements)*(SITE-2023-0001)

N. Kypfer explained that the applicant is proposing to add an amenity building to an existing multi-family development originally approved in the 60s. The applicant is proposing the addition of an amenity building to serve the entire White Cliffs apartment complex (including a theatre room, a fitness center, game room, event lounge, and leasing office, which would be approximately 4,000 s.f. plus an outdoor patio, walking area, and restriping of the parking lot to accommodate for ADA spaces. The users would be tenants in that development so the traffic isn't altered much according to the applicant's standard traffic analysis. This application was most recently before the Technical Review Committee on April 4, 2023 and May 25, 2023.

Brian Pratt, Fuss & O'Neill represented the application and described the property and the proposed amenities.

K. Pimental noted when the owner surveys the residents for ideas for amenities, be sure to mention the community trail since many may not know about it, but once they do will have great ideas for amenities that will benefit from the trail access.

Motion: M. Speidel moved to accept the application for review and declare no regional impact. Seconded by: J. Elliard. Vote: U/A

Public hearing opened

None

Public hearing closed

STAFF RECOMMENDATION:

Chapter 153-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. This plan is consistent with the regulations.



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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. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - 1.1 The stamp and signature of the PE, LLA, CWS, Architect, and LLS on the final plans
 - 2.1 Owner's signature
2. Provide letters to serve from Community Services.

Subsequent Conditions to Be Met Prior to any Construction:

3. 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:

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

Subsequent Conditions to Be Met Prior to Occupancy:

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

Motion: G. DeBoer moved to approve the site plan with subsequent conditions as it meets the site plan requirements based off the testimony and application materials. Seconded by: M. Speidel. Vote: U/A

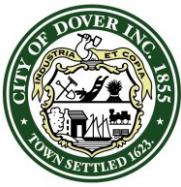
- F. Consideration and acceptance of a Conditional Use Permit for Altus Engineering, LLC (Owners: Peter Paul T Trustee of the Peter T Paul Living Trust), Assessor's Map N, Lot 8-1-4, zoned R-40, located at 56 Saddle Trail Drive. (Proposal is to construct a sport court in the existing maintained yard, in a parcel fully located in the wetland buffer). *(COND-2023-0041)

N. Kypfer explained that the applicant is requesting a Conditional Use Permit to allow for 2,070 s.f. of impact to the wetland buffer to create a sport court. The Conservation Commission endorsed this application at their June 12, 2023 meeting with the condition that the applicant allow for natural restoration to occur within wetland areas and increase the number of plantings to further enhance the wetland buffer. Following the endorsement, the plan was revised to include additional plantings. A condition of approval has been added for the natural restoration component. The applicant provided a narrative which outlines how the proposal meets the criteria for granting the CUP per 170-27.1.F of the Code. The applicant has already applied for and received the NHDES Shoreland Impact Permit.

Eric Saari, Altus Engineering represented the application and explained the applicant started construction of the sport court unaware that they were in a wetland buffer or shore land zone. When DES notified them to stop work they did so. They have now gone through the permitting process and have done wetland restoration to previously disturbed areas.

Motion: M. Speidel moved to accept the application and declare no regional impact. Seconded by: G. DeBoer Vote: U/A

Public hearing opened



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, June 27, 2023**
Meeting Time: **7:00 pm**

None

Public hearing closed

STAFF RECOMMENDATION:

The Conservation 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/wetland buffer disturbance on the site as described in the narrative in the application materials.

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

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

1. The owner shall sign the final plans before Planning Board signature.
2. Add note to plan that the owner allow for natural restoration to occur within wetland areas.

Motion: M. Speidel moved to grant the Conditional Use Permit, with subsequent conditions as it meets Section 170.27.1.F based off the testimony and application materials. Seconded by: J. Elliard. Vote: U/A

G. Consideration and acceptance of a Minor Subdivision for Tighe and Bond (Owners: Reynolds Avenue North, LLC), Assessor's Map E, Lot 27-B, zoned IT, located at 100 Education Way. (Proposal is to subdivide the existing 56.65-acre lot into two lots). *(SUBM-2023-0003)

N. Kypfer explained the applicant is looking to subdivide one lot into two. This application is for the subdivision only and any site plans planned for either site would still need to come back for full review. As a minor subdivision, this did not appear before the TRC.

Patrick Crimmins, Tighe & Bond represented the application, described the proposed subdivision and proposed use of the site as location for Northeast Credit Union.

H. Harmon recused herself from the item.

Motion: T. Clark moved to accept and declare no regional impact. Seconded by: K. Pimental. Vote: U/A

Public hearing opened

None

Public hearing closed

STAFF RECOMMENDATION-Waiver Requests:

The applicant is requesting waivers from §157-27.F., G, and H, to allow for the submittal of plans without a full survey; a full survey, soils; and, the depiction of full contour data, respectively.

Section 157-51.A. of the Land Subdivision Regulations states: "The Planning Board may waive specific provisions of this chapter. 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



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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 subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.”

Staff feels the request for relief from providing a full survey, a full survey with soils, and demarcating the contours are reasonable and that criterion 2 has been met for each waiver request.

Therefore, Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to approve the waiver(s) with the following subsequent conditions:

Subsequent Conditions to be Met Prior to Signing of Plans:

1. Add note that a waiver from Section 157-27(F), (G), and (H) has been approved by the Planning Board and that the Board found Section 157-51.A. has been met.
2. Add note to the plan that any further subdivision or site plan review may require full survey, topography, and soil information.

Motion: T. Clark moved to grant the waivers with subsequent conditions as criterion 2 has been met.
Seconded by: M. Speidel. Vote: U/A

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 if waivers are granted.

The Planning Department recommends that the Planning Board vote to make the necessary and supporting findings of fact, and vote to approve 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 County Registry of Deeds, which additionally shall include:
 - 1.1. The owners' signatures;
 - 1.2. Include the Planning File # on bottom right of plan sheet: SUBM-2023-0003;
 - 1.3. The stamp and signature of the LLS on the final plans.

Motion: T. Clark moved to approve the minor subdivision with subsequent conditions as it met Section 157-15. Seconded by: G. DeBoer. Vote: U/A

H. Consideration and possible vote of a Conditional Use Permit for Gary Gletow and Christine Trayner, Assessor's Map 8, Lot 41-A, zoned R-20, located at 17 Wentworth Terrace. (Proposal is to replace an existing deck in kind and build an addition of a second story with a temporary impact of 860 sf to the Conservation District). *(COND-2023-0042)

N. Kypfer explained the applicant is looking for relief to allow a temporary impact of 860 s.f. in the Conservation District to replace an existing deck in kind. This was endorsed by the Conservation Commission on June 12th.

Mark West, wetlands scientist represented the homeowners and presented the application.

Motion: G. DeBoer moved to accept and declare no regional impact. Seconded by: H. Harmon. Vote: U/A



CITY OF DOVER

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Public hearing opened

None

Public hearing closed

STAFF RECOMMENDATION:

The Conservation District ordinance §170.-27.C. provides for Conditional Use Permits to allow impacts to the Conservation District if standards have been met. The main standards include a soil erosion and sedimentation control plan, necessary state and federal approvals have been applied for, and Conservation Commission has reviewed.

Planning Staff feels that the applicant considered the criteria of and has provided enough information regarding the soil erosion and sedimentation control to allow for the 860 s.f. of temporary impacts.

The Planning Department recommends the Planning Board make findings and vote to approve the Conditional Use Permit with the following subsequent condition:

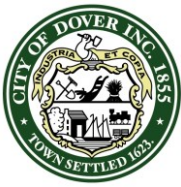
Subsequent Condition to Be Met Prior to the Issuance of the Conditional Use Permit:

1. The owner shall sign the final plans before Planning Board signature.
2. A copy of the NHDES Wetlands Permit

Motion: M. Speidel moved to grant the Conditional Use Permit with subsequent conditions as it is consistent with land use regulations and the impact is temporary. Seconded by: J. Elliard. Vote: U/A

4. STAFF COMMENTS

- TRCs since last meeting:
 - Site Review Amendment for John Kniphfer (Owner: Kniphfer, LLC), located at 43 Back River Road. (Proposal is for a daycare use and to install a second driveway to help with traffic flow at drop off and pick up with associated parking.)
 - Site Review for Cooperative Alliance for Seacoast Transportation (COAST), located at 42 Sumner Drive. (Proposal is to build a 28,700 s.f vehicle storage building and 17,000 s.f. administration, operations and maintenance building.)
 - Discussion on Industrial Pretreatment Compliance Inspections as part of Technical Review Committee Review
- TRCs coming up:
 - Site Review Amendment for Dewberry Engineers, Inc. (Owners: Giri Dover 200, INC.) zoned Commercial, located at 200 Sterling Way. (Proposal is to install three (3) Electric Vehicle Charging Station in parking lot)
 - Site Review for Fuss & O'Neill (Owners: MHC 155 (Dover, NH) LLC) located at 56 Sixth Street. (Proposal is to construct two story 37,930 sf climate control building)
 - Site Review Amendment for Civil Consultants (Owners: One First Street, LLC), located at 10 First Street. (Proposal is to revise utilities along First Street, revise storefront along Second Street, replace landscaping with porous paver patio, revise east alley to accommodate existing utilities.)
 - Site Review for Horizons Engineering Inc. (Owners: Zeland Schwartz Trustee, The Zeland Schwartz Revocable Trust), located at 36 Olive Meadow Lane. (Proposal is to build 32 individual units through Transfer of Development Rights.)



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- We received word that we received a Housing Opportunity Grant to hire a consultant to review our regulations and draft potential amendments regarding Housing through the InvestNH program.
- Draft Vision Chapter will be shared ahead of your next meeting and will be up for adoption at your July 25th meeting.
- No meeting on July 11th. Only the fourth Tuesdays in July and August.

5. MEMBER COMMENTS

- K. Pimental
 - Congratulations to Natasha for filling in for Donna at this meeting
- Chair noted all of the Dover 400 events going on this weekend

6. ADJOURNMENT

Motion: G. DeBoer moved to adjourn at 9:53pm. Seconded by H. Harmon Vote: U/A