



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, July 25, 2023**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Mark Speidel, Kyle Pimental, Fergus Cullen (Councilor), Ken Mavrogeorge, Erinn Kaspari, Melina Gambino (Alternate), Jon Elliard (Alternate), George DeBoer (Alternate)

Members Not Present (excused): Hayley Harmon (Vice Chair), Tom Clark

Members Not Present (un-excused): None

Staff Present: Donna Benton, Director of Planning and Community Development and Erin Bassegio, Outreach Coordinator

G. Cruikshank called the meeting to order at 7p.m, explained the citizens' forum process and noted K. Pimental would Vice Chair, G. DeBoer would sit for T. Clark, M. Gambino would sit for the vacant seat and J. Elliard would sit for K. Pimental.

1. CITIZENS' FORUM

Citizens Forum Open

Dan Gorman, 11 Olive Meadow is opposed to the workforce housing development proposed for his street. There are no services or employment opportunities within walking distance and there is no bus service there. Cars will be needed. There are other projects going up in better locations nearer to these services. The amount of taxes coming in from these new units will not offset the resources needed for schools, fire and police. Planning Department should monitor the stress on the infrastructure of all of the many new developments. He referenced the ordinance relating to maintaining the character which he believes will be lost. He believes the quality of the City's infrastructure and the trust between residents in an R40 zone and local government will go down.

Mary Gorman, 11 Olive Meadow explained the layout of Olive Meadow Ln and how the proposed high-density rental development will put an added strain on current and future residents. Her concerns include traffic, safety while walking/biking the road and safety for emergency access. She explained the risks of children walking the road to the school bus stop and why parents drive them which also causes extra congestion. She expressed concern for public safety access.

Jim Pixley 20 Reyners Brook noted he would be a direct abutter to the proposed development. He has concerns about the ecosystem. The proposed snow storage is at the top of a hill leading into the Brook. He would like to see an environmental impact study done on how that will be addressed and if the EPA is involved in the approval process.

John Sposato, 4 Reyners Brook asked the board members to drive the road and picture a snowy Monday morning when all are at the bus stop and check if an emergency vehicle could get to the new development.

Dan Irish, 22 Olive Meadow referenced the Dover code regarding character of neighborhoods. He also read from the covenant when the original Olive Meadow development was created which outlined the restrictions of the use and design of the homes.

Citizens Forum Closed

The Chair thanked the residents for coming out and speaking and noted if the project comes before the board there will be another opportunity to speak at public hearing.

2. APPROVAL OF THE PRIOR MINUTES

- June 27, 2023 Regular Meeting Minutes

Motion G. DeBoer moved to approve June 27, 2023 as amended. Seconded by: E. Kaspari. Vote: U/A



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3. OLD BUSINESS

None

4. NEW BUSINESS

Motion: M. Speidel moved to hear item D at this time before item A. Seconded by: F. Cullen. Vote: U/A

D. Consideration and acceptance of an Extension Request for a conditionally approved Site Plan and Lot Line Adjustment for JSR, LLC, Assessor's Map D, Lots 11-5 & 11-5SND, zoned IT, located at Quality Way & Venture Drive. (Proposal is for the Planning Board to extend the period of time for conditions to be met prior to plan signing). *(WAIV-2023-0007)

D. Benton explained that the applicant was before the Board at the end of 2022 with a CUP, Lot Line Adjustment, and Site Plan applications for JSR, LLC. The applications are interrelated to one another and since the lot line adjustment is also adjusting the boundaries of a conservation easement, several entities are needed to review and endorse which is taking longer than anyone expected. Chapter 153 allows the Planning Director to grant one 90-day extension which has occurred but is clear that any further extension needs Planning Board approval which is the request before the Board tonight—both for the site plan (which was for a 10,080 s.f. contractor storage bay/office facility) and lot line adjustment conditional approvals.

Christopher Berry, Berry Survey and Engineering represented the application and answered a few clarifying questions of the board members.

Motion: G. DeBoer moved to accept the application and declared no regional impact. Seconded by: K. Pimental. Vote: U/A

Public hearing opened

No one spoke

Public hearing closed.

STAFF RECOMMENDATION:

Chapter 153-8.A of the Site Review Regulations of the City Code provides for the Planning Board to extend the time period to address conditions of approval after the Planning Director grants one 90-day extension. Since some of the conditions of approval require approval from multiple entities which takes significant time which is beyond the control of the applicant, therefore staff recommends the Board grant the extension to December 13, 2023.

The Planning Department recommends the Planning Board make findings vote to grant the Extension Request for both the Site Plan (Site-2022-0011) and Lot Line Adjustment (LOTA-2022-0002) with the same subsequent conditions of approval as outlined in the original Notices of Decision.

Motion: M. Speidel moved to grant an extension of the conditional approval for the Lot Line Adjustment (LOTA-2022-0002) and Site Plan (SITE-2022-0011) with the same subsequent conditions of approval with a new deadline of December 13, 2023. Seconded by: J. Elliard. Vote: U/A



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A. Consideration and possible adoption of the 2023 Vision Chapter of the Master Plan*

D. Benton provided an overview of the Master Plan and that the Vision was up this year as it was last updated in 2012. She thanked Erin Bassegio, Outreach Coordinator, the Steering Committee, Resilience Planning and Design and CJW Consulting for all of their effort.

Erin Bassegio, Outreach Coordinator and Dr. Steve Whitman of Resilience Planning and Design went over a presentation on the Vision Chapter update and the process to get here.

K. Pimental commented that this looks great, and the Vision Chapter is the most important chapter in any city. The Eight Pillars are great, and he enjoyed reading them. He complemented them on all of the outreach and participation.

G. DeBoer also complemented the work. The connectivity, walkability, aesthetics, smart and intentional growth are all great. He highlighted a comment about diverse communities with age and socioeconomic diversities. This surprised him and was further confirmed by the comments made tonight during citizen's forum that people seem to like more homogeneous neighborhoods.

Mr. Whitman explained these goals work better in newly formed communities rather than established neighborhoods.

Mr. Whitman gave an explanation of 'complete streets' with inclusion of pedestrian and bike lanes.

M. Speidel commented that the work and document are phenomenal.

Board members gave comments on where clarification might be needed in the document.

Public hearing opened

No one spoke

Public hearing closed

Motion: E. Kaspari moved to adopt the 2023 Update to the Vision Chapter of the Master Plan as amended tonight. Seconded by: M. Speidel. Vote: U/A.

The Chair signed the certification.

B. Consideration and acceptance of a Transfer of Development Rights for Ernest J. Carrier Revocable Trust of 1998 & Irene R. Carrier Revocable Trust of 1998, Assessor's Map 38, Lot 32-F, zoned R-12, located at 5 Glenwood Avenue. (Proposal is to increase the number of units on this parcel from one to two through Transfer of Development Rights.) *(TRAN-2023-0003)

J. Elliard recused himself from the hearing as a direct abutter.

D. Benton explained that the applicant is seeking to purchase one unit through the Transfer of Development Rights ordinance, located at 5 Glenwood Ave. There is one single family dwelling unit on site now and the applicant is seeking to add another unit to the site if the Board votes for the unrestricted TDR unit.

Kevin McEneaney, McEneaney Survey represented the application, described the ranch-style existing home, the allowance for two-families in that zone and the explanation of why adding on to the current structure is not an option within the setback restrictions. Subdivision is not an option. Both units will be sold as condominiums after construction.



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

Public hearing opened

No one spoke

Public hearing closed

STAFF RECOMMENDATION:

§170-27.2 provides for additional density to be purchased through Transfer of Development Rights. This request meets those standards.

The Planning Department recommends the Planning Board make findings and vote to grant the TDR request of purchasing 1 unit by finding the criteria of the TDR ordinance has been met with the following conditions:

Condition to be Met Prior to Granting of TDR:

1. Provide a CAD file to the satisfaction of the Asset Management Administrator's satisfaction.
2. The applicant shall revise the plan set to:
 - 2.1. Add owners' signatures;
 - 2.2. Add note to plan regarding TDR being utilized and if any size restrictions are to be used
3. Provide draft deeds, lease, or COA documents to the satisfaction of the Planning Director to be reviewed in consultation with the City Attorney. Said documents should discuss long term operation and maintenance, common areas, reserve amount, and TDR restrictions;
4. Provide letters to serve from utility providers, if applicable;
5. Payment of the TDR fees.

Condition to Be Met Prior to any Construction:

6. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer and Planning Director.
7. Obtain excavation permit.

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

8. Payment of Water & Sewer Investment Fees at the time of request for service.

Conditions to Be Met Prior to Occupancy:

9. Issuance of the Certificate of Occupancy.
10. The applicant shall pay impact fees according to the invoice attached to the Notice of Decision.

Motion: M. Speidel moved to grant the Transfer of Developments Rights requests, with subsequent conditions, and found that the criteria of Chapter 170-27.2 have been met. G. DeBoer seconded. Vote U/A

Motion: G. DeBoer moved to approve the waiver and found that the criteria of Chapter 170-27.2 have been met. M. Speidel seconded. Vote U/A

- C. Consideration and acceptance of a Lot Line Adjustment for Winchester Arms, LLC, CPJ Trust, & The City of Dover, Assessor's Map 40, Lots 17, 18-F, 18-E, 18-D, 18-C, 18-B, and 18, Somersworth Tax Map 41, Lot 9, and Tax Map 64, Lot 1, zoned Commercial, located at 24 Hooper Drive, 45, 47, 49, 51, 53, & 55 New Rochester Road, and New Rochester Road, Rt. 108 Somersworth. *(LOTA-2023-0009)



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D. Benton explained that the City was made aware of some title ambiguity/discrepancy and the City Council has reviewed the potential change and the City of Somersworth is reviewing as well. There are 9 lots that are part of this lot line adjustment. All lots meet the zoning dimensional requirements.

FX Bruton of Bruton and Berube represented the application and that this came up as a title clean up. He reviewed the overarching plan to explain why this is before the board.

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

Public hearing opened

No one spoke

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.

As a Lot Line Adjustment, this application did not appear before the TRC.

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-2023-0009
 - b. The owner's signatures
 - c. The LLS stamp and signature
 - d. Revise Plan Note #5 to reflect the accurate zoning district, Commercial (C) District

Motion: M. Speidel moved to approve the Lot Line Adjustment with subsequent conditions, as it is consistent with the regulations. Seconded by G. DeBoer. Vote: U/A

The Vice Chair noted Items 4E & 4F would be heard together.

E. Consideration and acceptance of a Conditional Use Permit for Fuss & O'Neill (Owners: MHC 155 (Dover, NH) LLC) Assessor's Map 31, Lot 99, zoned CBD-M, located at 56 Sixth Street. (Proposal is to replace a demolished self-storage facility by constructing a two-story 37,930 sf climate-control building in the CBD-MU, approximately where the previous four-story self-storage facility stood previously) *(COND-2023-0040)

F. Consideration and acceptance of a Site Review for Fuss & O'Neill (Owners: MHC 155 (Dover, NH) LLC) Assessor's Map 31, Lot 99, zoned CBD-M, located at 56 Sixth Street. (Proposal is to construct two story 37,930 sf climate control building) *(SITE-2023-0004)

D. Benton explained that the applicant is proposing to build an approximate 37,930 s.f. self-storage facility that will replace the former self-storage building that was demolished earlier this year and would be added to those smaller storage buildings existing on site. The new building brings the site more into compliance with



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zoning than the previous building was. In order to do so, the applicant is requesting a Conditional Use Permit and Site Plan approval. The site would be serviced by public water and sewer.

This application was most recently before the Technical Review Committee on June 29, 2023 (minutes available).

The applicant is requesting three waivers for the parking lot location requirement, lighting plan (as much of the lighting is already existing) and for the streetscape.

Rick Lundborn, Fuss & O'Neill and Norm Kotach, MHC 155 represented the applications. They described the proposed building, parking, corrected drainage, location of gate(s). The applicant has no issues dealing with the concerns from staff.

Number of units and traffic were discussed. The reason for the need for so many storage sites was explained.

The need for the CUP was explained as the zoning ordinance has changed so to cover the bases, they took staff advice to go for the CUP.

F. Cullen asked for some history of the property, and also if there has been any issue with homelessness/vagrancy. He doesn't have an issue with the use as it's staying the same use, but wondered if self-storage was coming in as a new use if it would be supported as well by staff at that location.

The applicants gave history and noted no issues with homelessness.

This topic was discussed a bit noting a recent article published identifying that location as having someone rent a unit as a place to live. The applicant noted this is not supposed to happen, management will be contacted, and the new site will have more oversight with office staff during business hours.

K. Mavrogeorge explained the City is asking for a letter confirming that there is no old connection points to water and sewer.

Motion: G. DeBoer moved to accept both applications and declared no regional impact. Seconded by: J. Elliard. Vote: 8-1 with Cullen opposed.

Public hearing opened

No one spoke

Public hearing closed

STAFF RECOMMENDATION-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 certain standards listed in the ordinance and the staff memo. This plan is consistent with the criteria as described in the applicant's narrative.

Planning staff finds that the Conditional Use Permit requests are reasonable and meet the criteria for granting a CUP in the CBD-Mixed Use. A variance was previously granted for this use in the 80s while it was zoned R-12.

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



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

1. Site Plan (SITE-2023-0004) is approved.

Motion: K. Pimental moved to grant the Conditional Use Permit as the criteria of Chapter 170-20.B(1) have been met. Seconded by: G. DeBoer. Vote: 8-1 with Cullen 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."

Planning Staff feels that the applicant meets criterion 1 for the lighting plan waiver and criterion 2 for the parking location and streetscape as the site has been an existing self-storage use for some time.

The Planning Department recommends the Planning Board make findings 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 153-13.A(17) (streetscape), 153-13.E(1) (lighting plan), and 153-17.C (parking setback from front lot line) and found the criteria of Chapter 153-21.A have been met.
2. Add down shielded light pole to increase parking lot lighting in the back lot.

Applicant described the current lighting on site and the proposed lighting prior to adding criteria 2.

Owner/Applicant addressed the board noting the company willingly took down the old, damaged structure due to safety. It was not in the plan to take it down once they bought it. They are a conscientious group and care about the safety and welfare of anyone in and around the property. He will take the information of rentor(s) living in the space to the property manager tomorrow.

Motion: G. DeBoer moved to grant the waivers with conditions as criterion 1 for the lighting plan has been met and criterion 2 for the parking location and streetscape has been met. Seconded by: K. Pimental. Vote: 8-1 with Cullen opposed

STAFF RECOMMENDATION-Site Plan:

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-2023-0040) 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, Architect, and LLS on the final plans
 - 2.2 Owner's signature
3. Provide structural evaluation letter to verify structural integrity of existing retaining wall to remain.



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4. Confirm hydrant location with the Building Official.
5. Add note that the Design Engineer provide a letter to the City Engineer certifying that storm water management system has been installed in accordance with the plans.
6. Add note to the CU-101 to cut and cap existing water service to the west of proposed tab.
7. Use latest City standards for the details.
8. Add note to coordinate all locations of hydrants, valves and shut offs.
9. Confirm whether gate will be added, or other security system will suffice.
10. Applicant shall note easement to be offered to City for access and operation of water infrastructure to maintain water quality in accordance with approved plans.

Subsequent Conditions to Be Met Prior to any Construction:

11. 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:

12. Water and sewer investment fees (if applicable) shall be paid at the time of request of service.

Subsequent Conditions to Be Met Prior to Occupancy:

13. Issuance of a certificate of occupancy.
14. Impact fees (if applicable) shall be paid per the invoice included with the Notice of Decision.
15. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
16. Provide letter to the City Engineer certifying that storm water management system has been installed in accordance with the plans and sump pump and tie-in locations do not connect into City sanitary sewer.
17. Secure legal agreement for offsite drainage.
18. Offer City easement for access and operation of water infrastructure.

Motion: K. Pimental moved to approve the site plan with conditions set by the Planning Department as it meets the standards outlined in Chapter 153. Seconded by: G. DeBoer. Vote: 8-1 with Cullen opposed

5. STAFF COMMENTS

- D.Benton asked the Board for feedback on the snapshot reports from the portal/software.
- TRCs since last meeting:
 - Olive Meadow which we heard about during Citizen's Forum is still at TRC with quite a few changes and revisions needed.
 - Does the board feel comfortable with the snapshot reports, or do applicants need to continue also doing the paper copy of the application?
 - o Discussion occurred- no decision or change yet
 - 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-2023-0004).
 - Site Review Amendment for Civil Consultants (Owners: One First Street, LLC), located at 10 Second Street. (Proposal is to revise utilities along First Street, revise storefront along Second



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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.)
- Site Review for Tighe and Bond, (Owners: Reynolds Avenue North, LLC), located at 100 Education Way. (Proposal is for exterior and interior renovations to the existing building and the associated site improvements such as sealing and restriping of the existing parking lot, parking lot expansion, stormwater improvements, lighting, and landscaping)
- Open Space Subdivision for Stonearch Development Corp. & Eugene A. and Donna L. Sgrignuoli, located between 53 & 65 Tolend Road and 22 Sun Hawk Lane. (Proposal is for a 27 lot subdivision with 2 open space areas)
- TRCs coming up:
 - Amendment to Site Plan approval for Berry Surveying & Engineering (Owners: The Station Apartment, LLC), Assessor's Map 31, Lot 4-1, zoned CBD-TOD, located at 2 Grove Street. (Proposal is to remove the wall along the connecting walkway with associated utilities and stormwater amendments).
 - 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.)
- Next meeting August 22, 2023

6. MEMBER COMMENTS

- The Chair signed plans for: Preble St, 42-44 Third St, Saddle Trail CUP, and the site plan for the amenity building at Karolina Dr.
- Discussion began by M. Gambino on how to address and prevent people living in self-storage units.
 - Various board members presented their thoughts on the topic.

7. ADJOURNMENT

Motion: E. Kaspari moved to adjourn at 9:05pm. Seconded by J. Elliard. Vote: U/A