



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, August 22, 2023**
Meeting Time: **7:00 pm**

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

Members Not Present (excused): Erinn Kaspari, Hayley Harmon (Vice Chair)

Members Not Present (un-excused): None

Staff Present: Donna Benton, Director of Planning and Community Development

G. Cruikshank called the meeting to order at 7p.m, explained the citizens' forum process and noted K. Pimental would Vice Chair, J. Elliard would sit in the vacant seat, G. DeBoer would sit for Erinn Kaspari, and Melina Gambino will sit for H. Harmon.

1. CITIZENS' FORUM

Citizens Forum Open

Aaron Williams, 51 Sixth St enjoys being able to walk to downtown. An issue that makes walking unsafe in that area is the speed limit on Sixth St in relation to the design of the street. He requested to define the purpose of the street and then match the design to the purpose. He gave some examples to help with this.

Rosemary Pixley, 20 Reyners Brook Dr expressed her opposition to the Olive Meadow proposed development. When she purchased her home in the 1990s, she was assured the land abutting her was wet and would not be developed. Since then, various uses and development has gone in further affecting the wetlands. The proposed development will bring noise, devaluation, and traffic along with impacts to the wetlands. She asked that this project not be allowed to move forward as it's in violation to the regulations in place.

Dan Irish, 22 Olive Meadow Ln highlighted the timeline of the homes, the temple and the daycare being added to the street. The temple is no longer in use, but the road is busy due to the daycare traffic. He highlighted some incidents on the road and expressed his opposition to the proposed development currently under review by TRC. This will create two different style neighborhoods. He itemized many foreseeable traffic issues with the addition of the proposal and noted the reasons the traffic study done is lacking.

Syed Naqshbandi, 21 Olive Meadow Ln is opposed to the proposed development and noted the traffic safety issues such as no sidewalks and reckless driving already- before 32 additional units go in. He is concerned about the burden of the power line with the added units and/or the road construction of an added utility.

Mary Gorman, 11 Olive Meadow Ln is opposed to the proposed development of 32 rental units. She noted the street is 22 feet wide and changes in elevation and curves. The road is not wide enough to support this development.

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- July 25, 2023 Regular Meeting Minutes

Motion T. Clark moved to approve July 25, 2023 as amended. Seconded by: M. Speidel. Vote: U/A

3. OLD BUSINESS

None

4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for Andre M. Chouinard & Mikayla J. Mallett, Assessor's Map 24, Lot 115-A, zoned G, located at 97 Portland Avenue. (Proposal is to



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construct a garage with garage door facing street within the Gateway District). *(COND-2023-0049)
THIS ITEM HAS BEEN WITHDRAWN

- B. Consideration and acceptance of an Amendment to a Minor Subdivision for Corey M. Paradis, Assessor's Map L, Lot 48-A-1, zoned R-20, located at 283A Dover Point Road. (Proposal is to remove note from the previously approved subdivision plat (P17-56) that a sprinkler system is required). *(WAIV-2023-0009)

D. Benton explained that the applicant is requesting to amend the previously approved subdivision plat to remove the note regarding the fire suppression system. The original applicant's representative and property owner and Board were all aware of the condition to have the note regarding the need for a fire suppression system. The applicant has started work on a residence and garage on site and is requesting that condition be rescinded, and the note removed. Staff suggested a revised note and other conditions should the Board vote to grant the amendment. The fire suppression system was not a condition of the Variances that were received for this lot but rather something discussed with the Fire Chief at the time, the Planning Director at the time, and the applicant's representative and were obviously included in the staff memo and conditions at that Planning Board and seemed mutually agreed upon.

Corey Paradis, owner, represented the application and explained the condition was not allowed by law to be mandated by Planning Board, but was agreed to due to driveway access at that point in time. The Governor recently signed a code change that changes the restriction that was in place at the time and led to the condition. There is now a sprinklered structure and a 15' road with adequate fire access turn radius. Bottom line is this plan note was not lawfully added to the plan. The request is to change the note to say they will comply with state building and/or fire code.

T. Clark noted the Planning Board did not establish that note as a condition of approval. Someone else such as the owner must have suggested it, but it came to the Planning Board already part of the proposal.

M. Speidel asked if there are plans to pave the driveway. He also commented on the location of the home and noted some nearby fire hydrants.

Mr. Paradis explained the construction of the current road with two feet of rock and one foot of gravel noting it will support any vehicle as is.

G. DeBoer asked about the address and signage which were discussed.

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

Public hearing opened

Michael Garofano, 258 Dover Point Rd and 3 Pineview Dr has been opposed to this project since it was approved six years ago. The plan shown on the screen does not seem to match plans he's seen, but he wasn't able to find the current plan today. He's not sure why the condition was on the plan in the first place and also noted the fire truck access is a different story in the winter. He is frustrated with the whole process for this project.

D. Benton read an email from Brian Beaulieu, 5 Pineview Dr in opposition to removing the note from the plan.

Public hearing closed.



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D. Benton noted the plan on the screen is the approved, signed subdivision plan. One of the conditions of approval suggested is to provide the driveway design and show the wetland buffer on the plan.

In answering a question from the Board, D. Benton clarified that the reason for the original variance was for frontage and build-to line.

STAFF RECOMMENDATION:

This plan is consistent with Chapter §157-17 of the Land Subdivision Regulations of the City Code, which provides for subdivision of existing lots.

The Planning Department recommends the Planning Board vote to approve the minor subdivision amendment 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 revised plat 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: WAIV-2023-0009;
 - 1.3. The stamp and signature of the LLS on the final plans.
 - 1.4. Add note that Property shall comply with applicable State Fire Code.
 - 1.5. Any remaining conditions from minor subdivision (P17-56) still apply.
 - 1.6. New driveway design be added to plan sheet with wetland buffer delineated that is signed by LLS and CWS.

Discussion occurred among the board members to understand the reason for the original note and what is and isn't the purview of the Planning Board.

Motion: T. Clark moved to grant the amendment of the subdivision (P17-56) with the subsequent conditions. Seconded by: M. Speidel. Vote: U/A

- C. Consideration and acceptance of a Site Review Amendment for Civil Consultants (Owners: One First Street, LLC), Assessor's Map 6, Lot 20, zoned CBD-G, located at 10 Second 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). *(WAIV-2023-0006)

D. Benton explained the applicant is back before the Board requesting an amendment to their previously approved site plan to allow revisions to the utilities along First Street, the storefront along Second Street, replacing landscaping with porous paver patio, revise east alley to accommodate existing utilities. This request appeared before the TRC on July 6, 2023.

Neil Rapoza, Civil Consultants represented the application. He explained one of the anticipated uses of the project is for a restaurant and the suggestion is for outdoor seating, which is what it has been designed for and you see the proposed changes on the plan. He highlighted the changes to the plans including drainage, stairway location and size, restaurant size/ removal of office, utilities and impacts due to outdoor seating. (approx. 50 seats maximum)

Mr. Rapoza explained the added demand on sewer due to the expanded restaurant has been added to the plans and the state didn't have any additional requirements other than a fee.



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

Public hearing opened

None

Public hearing closed.

STAFF RECOMMENDATION-Waiver:

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 believes criteria 1 & 2 have been met as a previous traffic study was conducted, this is an urban site and most patrons would park downtown and walk to the site, and recommends the Planning Board vote to grant the waivers with the following subsequent condition as the request meets the criteria of Chapter 153-21.A:

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

1. Add note that the Planning Board granted waivers for Section 153-13.A(20) (traffic study) and found the criteria of Chapter 153-21.A have been met.

Motion: M. Speidel moved to grant the waiver with subsequent conditions as criteria 1 and 2 have been met. Seconded by: T. Clark. Vote: U/A

STAFF RECOMMENDATION-SITE PLAN AMENDMENT:

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 those regulations.

The Planning Department recommends the Planning Board make findings and vote to approve 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. All previous conditions from P21-30 still apply.
2. Acknowledgement that additional water/sewer investment fees shall be paid.
3. Secure the amendment with NHDES that the amendment does not require additional sewer connection permit fees for the change of use.
4. Provide revised physical and digital copies (including CAD) of complete revised plan set which additionally shall include:
 - a. Signature and stamp of PE, LLA, and LLS
 - b. Owner's signature
 - c. Label outdoor dining area
 - d. Provide photometric plan with calculations along First St, Second St, and the alleyway.



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Motion: T. Clark moved to grant the amendment of the site plan (P21-30) with the subsequent conditions. Seconded by: K. Mavrogeorge. Vote: U/A

- D. Consideration and acceptance of a Site Plan for Berry Surveying and Engineering (Owners: Equine Properties, LLC) Assessor's Map H, Lot 37-A, zoned C, located at 239 Knox Marsh Road. (Proposal is a mixed-use Site Plan with two mixed-use buildings (26 residential units each) with associated parking and 12 single family homes). *(SITE-2023-0010)

D. Benton explained that the applicant had previously received site plan approval but the time to meet the conditions expired before the Development Agreement was signed and returned so this a re-do of the same request and should be treated new. The applicant's Conditional Use Permit has not expired. The applicant is requesting to have a mixed-use site plan with two mixed-use buildings with 26 residential units in each with associated parking and 12 single family homes. This was reviewed by the TRC most recently on February 24, 2022.

The applicant is requesting the Board grant a waiver from the §157-32.G requirement that the Board to allow -4% grad off Knox Marsh rather than 3% within 75' of an intersection. The applicant believes that although the proposed roadway has -4% road grade within 75' of the intersection, it will still be a safe intersection. The road is designed to transition from a -4% grade to a 2% grade. And they believe this will allow for a safe platform for vehicles to stop at. The -4% slope is a requirement of NHDOT and the applicant would be nonconforming to NHDOT regulations if held to the City's requirement set forth in §157-32.G.

The applicant is also requesting the Board grant a waiver from the §153-14.K.(1)(a) to require 70% of parking behind the principal buildings where 47% is being proposed. Due to the street facing location of the commercial uses access to the mixed-use buildings, parking is provided in the front for pedestrian access and safety.

Christopher Berry, Berry Surveying and Engineering, represented the application. He noted this is the exact same plan that was previously approved. Due to some miscommunications, the proper paperwork was not signed and submitted back to the City in a timely fashion, therefore deadlines have passed and we are before the board again tonight. The only item that is new is that the structures be solar-ready as is a current standard which was not in place at the time of the original approval.

Mr. Berry updated the board on outstanding permits with the state. (NHDOT only)

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

Public hearing opened

Elise Elliott, 259 Knox Marsh, abutter asked some questions about the project regarding distance the structures will be to the property line.

Public hearing closed

Mr. Berry noted the setbacks are 10' so with the proposed decks, the structures will sit between 15'-20' from the line.



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STAFF RECOMMENDATION-Waivers:

§153-21 of the Site Plan Review Regulations and §157-51 of the Land Subdivision Regulations both state the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:

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

Planning Staff finds the waiver requests are supported under criterion (1) above and the intent of the requirements are upheld.

The Planning Department recommends the Planning Board and vote to approve the waiver with subsequent conditions, as the plans meet the standards outlined.

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

1. A note be added that waivers from the §157-32.G requirement that the Board to allow -4% grad off Knox Marsh rather than 3% within 75' of an intersection and from the §153-14.K.(1)(a) to require 70% of parking behind the principal buildings where 47% is being proposed and the Board found the criteria of Chapter 153-21 have been met.

Mr. Berry explained the regulations regarding percent of grade and the reason for the request.

Motion: M. Speidel moved to grant the waivers as proposed with the subsequent condition as they conform to site regulations and found criteria one of Chapter 153-21 have been met. Seconded by: T. Clark. Vote: U/A.

The Planning Department recommends the Planning Board vote to approve the Site Plan with the following conditions, as the plans meet the standards outlined:

Subsequent Conditions to Be Met Prior to Signing of Plans:

1. Conditional Use Permit (P21-05) and Conditional Use Permit (P22-46) be approved.
2. The applicant shall provide the Planning Department with a digital version of the final plan set.
3. Provide a CAD file to the Asset Management Administrator's satisfaction.
4. The applicant shall enter into a development agreement with the City of Dover to provide a payment in lieu of construction of a sidewalk towards Sumner Drive;
5. Notice of Restriction be filed regarding the living space square foot restriction;
6. Letter to serve from Eversource.
7. The applicant shall revise the plan set to:
 - a. Add owners' signatures;
 - b. Revise street name spelling;
 - c. Add all professional signatures and stamps for each submission;
 - d. Add permit numbers when received; and
 - e. Add snow storage details.
 - f. Revise roof to be solar ready or green roof



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Subsequent Conditions to Be Met Prior to any Construction:

8. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Planning Director.
9. The wetland buffer placards be installed every 30 feet;

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

10. Payment of Water and Sewer Investment Fees;
11. The applicant shall provide payment for active and passive recreation. Active Rec fee will be \$500 per unit. Passive Rec fee will be \$500 per unit as well;

Subsequent Conditions to Be Met Prior to Occupancy:

12. Impact fees per unit shall be paid per the invoice attached to the Notice of Decision;
13. Confirmation, by staff, that the wetlands buffer signs are in place, or replaced if damaged during construction;
14. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work;
15. Wetland buffer placards be inspected and replaced if needed; and
16. Issuance of the Certificate of Occupancy.
17. Off-site traffic improvements shall be constructed in accordance with NHDOT permit.

K. Pimental asked if during TRC anything was discussed about signage for safety between the property and the Rail Line. Mr. Berry said it was not mentioned. The wetlands are difficult to navigate there and he believes there is a fence.

Motion: M. Speidel moved to approve the site plan with the subsequent conditions. Seconded by: G. DeBoer. Vote: U/A

- E. Consideration and acceptance of an Amendment to Site Plan Approval for Berry Surveying & Engineering (Owner: 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). *(WAIV-2023-0008)

D. Benton explained that the applicant began site work and discovered if they made some adjustments a retaining wall would not be needed and the building could be tweaked. Therefore, they came to TRC for review on August 3, 2023 and now before the Board requesting an amendment.

Christopher Berry, Berry Surveying and Engineering represented the applicant and explained the original build plan at grade which included a retaining wall. The property has since been sold and reviewed and plans were revised to build on piers rather than directly on grade no longer requiring the retaining wall or for the grade to be flat or have extra fill added.

Other changes include removing a proposed deck and instead adding a patio, wrought-iron fence be installed for safety against the steep back slope, enclose the steel structure with black lattice work, and removal of two lamps that were originally proposed at the front.

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



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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 those regulations.

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

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

1. All conditions of approval from P20-56 still apply.
2. Acknowledgement that applicant shall resolve the sewer issue from previous site work prior to resuming work at the site.
3. The applicant shall provide the Planning Department a
 - a. Digital version of the plan.
 - b. A technical memorandum, stamped by a professional engineer that has reviewed the existing piles already installed for structural capacity, scour, and geotechnical capacity for review by City of Dover Engineering.
 - c. A plan showing how the removal of the wall would impact other site elements such as storm drainage, water, and sewer.
 - d. A plan showing how this revision would affect the site amenities and landscaping.
4. The applicant must revise final plan set to:
 - a. Revise Planning File number to WAIV-2023-0008.
 - b. Revise elevations to show lattice work to deter debris and people from going underneath decking.
 - c. Add the owner's signatures to the final plan submitted for signature.
 - d. Add LLS, PE, Landscape Architect, and Architect signatures and stamps to final plan.

M. Speidel noted he did not have answers to TRC questions in his packet and wanted to confirm if those questions had been answered to the satisfaction of TRC or staff.

D. Benton apologized that the information was not in the hard copy packet and confirmed that any outstanding questions were included as conditions for approval.

Motion: T. Clark moved to approve the amendment to the approved site plan with subsequent conditions, as it is consistent with the regulations. Seconded by J. Elliard. Vote: U/A

- F. Consideration and acceptance of an Amendment to a Site Plan Approval for CivilWorks New England (Owner: Macs Convenience Stores, LLC,) Assessor's Map K, Lot 19-C, zoned C, located at 30 Dover Point Road. (Proposal is to rescind Condition of Approval, Item #1, (i), A note that if the medical office building (P21-35) on lot K/26 is not approved or constructed, the driveway on Dover Point shall become right-in, right-out only). *(WAIV-2023-0010)

D. Benton explained that the applicant is proposing to amend the approved site plan again by removing the condition of approval and plan note that if the medical office building to the north of the gas station not be built, that the driveway become a right in and right out only. The applicant is requesting that no matter the timing of the medical office building, the current curb cut may remain a fully functioning in and



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out driveway. Staff is suggesting a condition that a similar traffic analysis be done in the future to ensure that if and when the roundabout goes in at Pointe Place and Dover Point Road that any left turns into or out of the site be studied.

Steve Haight, Civil Works represented the application and explained that since the store has been open it is functioning successfully as is and there have been no issues at any time of day with turning in or out. He isn't sure there is a necessity on the part of Circle-K (applicant) to provide another traffic study in the future if the City moves forward with adding a roundabout in that area. Certainly, the traffic pattern can be reviewed again after the roundabout goes in.

He further explained the original plan combined traffic with the anticipated medical use next door. That use is using a different location than anticipated so there is no shared traffic pattern.

T. Clark mentioned he thinks it's a bit premature to remove this restriction. Rather than deny the request, he would prefer to table it for more time to review the original materials and reasons given for the restriction.

G. DeBoer agreed he would not feel comfortable voting tonight on this matter without reviewing all that was originally discussed about the conditions for approval.

K. Mavrogeorge is in favor of rescinding the note since traffic data was provided and visual confirmation proves the site is functioning without issue. It can be reviewed again after the roundabout goes in.

F. Cullen thinks the board should grant the request since the medical building is not going in and the roundabout is not going in immediately.

D. Benton clarified that if the board rescinds the note and any future issue develops with the entrance/exit on this site due to the added roundabout, there is no mechanism in place to enforce a change.

For board clarification, D. Benton read the staff recommendations noting 2c may need to be edited:

Subsequent Conditions to be Met Prior to the Plans Being Signed:

1. All previous conditions (except 1i) still apply for the approved site plan and waiver.
2. The applicant shall provide the Planning Department with:
 - a. Electronic copy of the revised site plan including in PDF and DWG formats
 - b. A note be added to the amended site plan sheet that all previous conditions of approval still apply.
 - c. Remove note about right-in, right-out and add note "If and when a roundabout is being added to the intersection of Pointe Place and Dover Point Road, a similar traffic study be completed and submitted to the City for TRC review to determine if a left turn out of the site or into the site will cause any issues post-installation of roundabout both in the case of a new user or the approved medical office building".

Discussion occurred about condition 2c and revising it to include what the applicant's responsibilities will be if negative traffic study results come back after the roundabout goes in.

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

Public hearing opened

None

Public hearing closed



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STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board vote to grant the amendment with the following subsequent conditions:

Subsequent Conditions to be Met Prior to the Plans Being Signed:

1. All previous conditions (except 1i) still apply for the approved site plan and waiver.
2. The applicant shall provide the Planning Department with:
 - a. Electronic copy of the revised site plan including in PDF and DWG formats
 - b. A note be added to the amended site plan sheet that all previous conditions of approval still apply.
 - c. Remove note about right-in, right-out and add note "If and when a roundabout is being added to the intersection of Pointe Place and Dover Point Road, a similar traffic study be completed and submitted to the City for TRC review to determine if a left turn out of the site or into the site will cause any issues post-installation of roundabout both in the case of a new user or the approved medical office building. Property owners may need to revise driveway to a right-in, right-out when round-about goes in should a traffic study indicate that as a recommendation".

Motion: F. Cullen moved to approve the amendment to the Site Plan with subsequent conditions. Seconded by: M. Speidel. Vote: U/A

The Vice Chair announced items 4G-I will be heard together.

- G. Consideration and acceptance of a Conditional Use Permit for Stonearch Development Corp.(Owners:59 Tolend Rd, LLC & Eugene A. and Donna L Sgrignuoli), Assessor's Map E, Lots 65-1 & 65-A, zoned R-20, located between 53 & 65 Tolend Road and 22 Sun Hawk Lane. (Proposal is for 2,156 SF of permanent and 1,983 SF of temporary wetland impact for Theodore Drive to access buildable uplands). *(COND-2023-0051)
- H. Consideration and acceptance of a Conditional Use Permit for Stonearch Development Corp (Owners:59 Tolend Rd, LLC & Eugene A. and Donna L Sgrignuoli,) Assessor's Map E, Lots 65-1 & 65-A, zoned R-20, located between 53 & 65 Tolend Road and 22 Sun Hawk Lane. (Proposal is 20,850 SF of permanent and 8,071 SF of temporary wetland buffer impact). *(COND-2023-0052)
- I. Consideration and acceptance of an Open Space Subdivision for Stonearch Development Corp. (Owners: 59 Tolend Rd, LLC & Eugene A. and Donna L Sgrignuoli,) Assessor's Map E, Lots 65-1 & 65-A, zoned R-20, located between 53 & 65 Tolend Road and 22 Sun Hawk Lane. (Proposal is for a 27-lot subdivision with 2 open space areas). *(SUBD-2023-0005)

D. Benton explained that this lot has seen several plan iterations. The one before the Board tonight is an Open Space Subdivision proposing 27 units, 2 open space lots, and includes a potential conservation easement for public access along the river.

Christopher Berry, Berry Surveying and Engineering represented the application. He described the size of the lots and noted the site was mapped for wetlands and delineated for soils in 2020. As much of this land drains into the river, they knew an open space subdivision would be best option and they figured out which areas would be best for development and which should be left alone. The goal was to keep an open green area from the center of the property all the way to the river. The project has gone through several iterations before reaching this plan.



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The existing home will be demolished and replaced with a duplex for the family. He explained the unit count is done with duplexes, but they are proposing single family homes. He explained the locations of the open space areas which remain untouched.

Waiver for roadway slope is being sought for 4% rather than 3%. Also waiver for 40' buffer at perimeter of open space subdivision. This is to allow the pavement to be 40', but not push the road further into the wetlands.

State permitting is underway. He reviewed all of the items they've worked hard to address. There is a foot trail in use and the applicant would like to provide access to it for public use. He addressed TRC site distance question.

The site has connectivity to Sun Hawk Lane and there is proposal to widen that road and add a water line down that road. They worked with staff to estimate the cost of the improvements and the funds will be held until DOT gives permission to make the improvements. There is no intention to have the homeowners use Sun Hawk for access and in fact signs will be posted and other deterrents used to reduce those occurrences though life safety vehicles can utilize.

Public water is on site but no public sewer. HOA fees will be in place for capital reserve for maintenance/replacement of sewer, roadway infrastructure, landscaping and stormwater and utilities. Storm water will go through a closed system. He explained the wetlands impacts.

Mr. Berry addressed board questions relating to:

- He described the structures as approx. 30x50 each and ranch/cape style with master suites on the main level, but some finished area above.
- Condo docs to include information and budgeting fees for maintenance as well as capital needs
- DOT ownership of Sun Hawk Ln
- Phases of the project

Motion: G. DeBoer moved to accept all three applications and declared no regional impact. Seconded by: J. Elliard Vote: U/A

Public hearing opened

Carol Finn, 10 Sun Hawk Ln asked for clarification about what the open space area will be. Based on recent emergency vehicles getting stuck on Sun Hawk, can someone come look at it? It is deteriorating. How can the City help with the road?

Carolyn Williams, 60 Tolend Rd spoke in opposition to the proposed subdivision. She expressed concerns about added traffic based on existing site line issues. If this moves forward she requested a raised speed table or similar. She asked about the grade from the new road to Tolend Rd.

Martha Bstandig, 53 Tolend Rd expressed concerns for wetland, wildlife and traffic. She expounded on a bend in the road and another development which was supposed to have two access points, but the bend in the road did not allow for proper site lines. She requested a site walk of the property for the board to see where the proposed road will be and the issues due to speed, grade and curvature.



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Vern Clough, 43 Tolend Rd asked for clarification regarding access to the river for the City residents (parking), only one duplex to replace the existing home and the rest are single-family? He suggested light or sound buffers such as trees or fences to shield the view of the new homes and car lights and stoplight or stop signs to aid with pedestrian crossings.

Public hearing closed

Mr. Berry addressed public comment:

- Applicant is proposing maintaining Sun Hawk Ln moving forward to be sure there is safe access
- If the road needs to be regraded, or if gravel is needed, that will be done.
- Applicant understands people speed on Tolend Rd and they've designed the road with site lines appropriate for high speeds
- The grade into the site is -4% and there is a 6% and 7% grade in the middle of the site. That is the steepest point.
- There is a landscaping plan for some evergreens to be planted in that driveway area.
- This project is asked for a 200-300 ft site line with review of 85% speed and there is adequate data showing they have site distances over 350 feet and up to 45mph. DOT requires 400 ft, but Dover does not.
- Open space corridor down the center and to the river is for recreational use and wildlife. It will be wooded- not leveled or changed.
- The easement for the City will provide enough land along the river for future parking. No parking is proposed as part of the proposal of the applicant. The easement will have trail access and be posted to designate trail location.
- Residential solar lamps are proposed, but they won't be seen by abutters.
- The yield plan would have allowed duplexes, but they are proposing single-family homes. The existing home of the applicant will become a duplex on its own lot.
- Traffic assessment was done using DOT traffic counts and trip manual data.

For the board, Mr. Berry explained the location of the easement, more details about the yield plan and original number of units and construction timeline.

STAFF RECOMMENDATION-CUP (wetlands):

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 disturbance on the site as described in the narrative in the application materials.

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

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.



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2. NHDES Wetlands, Army Corps. under the CGP, NHDES AoT, NHDES Subdivision, NHDES Shoreland, NHDES DWGB, EPA Notice of Intent & SWPPP, NHB, and DHR permits are submitted to the Planning Department and numbers added to the plan set.

Motion: K. Pimental moved to grant the conditional use permit with subsequent conditions as the criteria have been met. Seconded by: T. Clark. Vote: U/A

STAFF RECOMMENDATION-CUP (Wetland buffers):

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

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. NHDES Wetlands, Army Corps. under the CGP, NHDES AoT, NHDES Subdivision, NHDES Shoreland, NHDES DWGB, EPA Notice of Intent & SWPPP, NHB, and DHR permits are submitted to the Planning Department and numbers added to the plan set.

Motion: T. Clark moved to grant the conditional use permit with subsequent conditions as the criteria have been met. Seconded by: K. Pimental. Vote: U/A

STAFF RECOMMENDATION-(Waivers):

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

Chapter 157-51 states a waiver may be granted if the Board finds 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 subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.”

Staff feels the applicant's request meets criterion 1 has been met for the intersection grade and criterion 2 has been met for the buffer location.

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

Subsequent Condition to Be Met Prior to Signing of Plans:

1. Add a note to the plat that the Board granted a waiver to Chapter 157-32.G (intersection grade in three locations) and 157-21.F(4) (Open Space Buffer) and that the Board found the criteria of Chapter 157-51.A have been met.

Motion: K. Pimental moved to grant waivers with subsequent condition as criterion 1 has been met for the intersection grade and criterion 2 has been met for the buffer location. Seconded by: J. Elliard. Vote: U/A

STAFF RECOMMENDATION – Major Subdivision:

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



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Subsequent Conditions to Be Met Prior to Signing of Plans:

1. CUPs (COND-2023-0051 and COND-2023-0052) 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. Provide phasing plan sheet with details on looping water and upgrading Sun Hawk Lane.
 - 2.5. Determine surety calculation for Sun Hawk and water line improvements to the satisfaction of the City Engineer.
 - 2.6. Final Limited Common Areas lot numbers to be approved by City Assessor.
3. Copies of NHDES Wetlands, Army Corps. under the CGP, NHDES AoT, NHDES Subdivision, NHDES Shoreland, NHDES DWGB, EPA Notice of Intent & SWPPP, NHB, and DHR submitted to the Planning Department and numbers added the plan set as granted.
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, wetland buffer placards, trail access, and private road requirements.
5. The applicant to provide draft easement documents to the Planning Director to review in consultation with the City Attorney for the conservation easement along river with trail and access along Tolend Road per plan.
6. Provide Assessor with revised land use plan.

Conditions to be Met Prior to Land Disturbance:

7. Existing shed is relocated.
8. Contact NHDOT about their ROW.
9. The wetlands buffer placard shall be placed per the plan.
10. Provide surety or bond for water looping and upgrading Sun Hawk Lane.
11. A pre-construction meeting is held with City staff, engineer of record and the site contractors.
12. Owner to retain site contractor or surveyor to ensure work within buffers is only what was approved via CUPs and shown on plans and that installation of septic systems are 75' from wetlands per plan.

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

13. Meet with Conservation Commission and City Council about conservation easement.
14. The new dwelling units shall be assessed and pay the current water fees in place at the time of application for service.
15. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
16. Pay Land Use Change Tax.

Conditions to be Met Prior to Occupancy:

17. Issuance of a Certificate of Occupancy.



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18. Documentation that the HOA has been created and is in place.
19. Impact fees per unit shall be paid per the invoice attached to the Notice of Decision or on the portal.
20. The Engineer of record meet with the HOA to go over operation and maintenance requirements.
21. Conservation easement is recorded at SCRD.

D. Benton, K. Mavrogeorge and Mr. Berry clarified some of the conditions for the board.

Motion: K. Pimental moved to approve the subdivision with subsequent conditions as the criteria have been met. Seconded by: G. DeBoer. Vote: U/A

5. STAFF COMMENTS

- Thanked the Board for being respectful and keeping great decorum.
- The City Council adopted the Zoning Amendments. Those will be added to the code in the coming week or two and then will begin the process for recodification as the last remaining Chapter.
- TRCs since last meeting:
 - 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.)
 - Site Review for Knox Marsh Development, LLC, (Owner: Robert Baldwin), Assessor's Map 39, Lot 103, zoned Gateway, located at 34 New Rochester Road. (Proposal is to construct 5 duplex structures (10 units total) with the single-family dwelling to remain on the property).
 - Site Review 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 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)
 - Site Review for CESO (Owners: 914 Central Avenue, LLC), Assessor's Map 38, Lot 20, zoned C, located at 914 Central Avenue. (Proposal is for Hang Ten Car Wash development that will consist of a 4,400-sf building, sixteen (16) vacuum spaces, and two (2) employee parking spaces. Two (2) related Conditional Use Permit applications would also appear before the Planning Board.
 - Site Review for Horizons Engineering Inc. (Owners: Zeland Schwartz Trustee, The Zeland Schwartz Revocable Trust), Assessor's Map A, Lot 45-A-2, zoned R-40, located at 36 Olive Meadow Lane. (Proposal is to build 32 individual units through Transfer of Development Rights.)
- TRCs coming up:
 - Site Review for Horizons Engineering Inc. (Owners: Zeland Schwartz Trustee, The Zeland Schwartz Revocable Trust), Assessor's Map A, Lot 45-A-2, zoned R-40, located at 36 Olive Meadow Lane. (Proposal is to build 32 individual units through Transfer of Development Rights.)
 - Site Review for Stonefield Engineering & Design (Owners: Dover Retail Management, LLC), Assessor's Map 38, Lot 15-A, zoned C, located at 1-3 Webb Place. (Proposal is for demolition of current building and constructing a 3,300-sf bank with a drive through ATM, (28) twenty-eight parking spaces. One (1) related Conditional Use Permit application would also appear before the Planning Board.



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- Site Review Amendment for Dewberry Engineers, Inc. (Owners: Giri Dover 200, INC.) Assessor's Map 11, Lot 2-4, zoned Commercial, located at 200 Sterling Way. (Proposal is to install three (3) Electric Vehicle Charging Station in parking lot)
- Next meeting September 12, 2023
- D. Benton can reach out to Mr. Williams regarding his ideas for Sixth St and the TAC can also look at it.

6. MEMBER COMMENTS

- F. Cullen
 - Mentioned the passing of colleague and Planning Board member Frank Torr who served over 25 years on these land use boards. He was a strong contributor right up until his passing.
 - Access to the packet is difficult when there are so many pages. Can there be a Google drive to access them rather than download? Can they be broken up so it's possible to easily find the different items?
 - He reviewed the previous meeting and spoke about his concerns regarding the applicant and the presentation they made.
- The Chair signed plans for: Education Way minor subdivision.

7. ADJOURNMENT

Motion: M. Speidel moved to adjourn at 10:30. Seconded by J. Elliard. Vote: U/A