

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, September 26, 2023**
Meeting Time: **7:00 pm**

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

Members Not Present (excused): Hayley Harmon (Vice Chair), George DeBoer (Alternate), Erinn Kaspari, Melina Gabino (Alternate)

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 J. Elliard is sitting for the vacant position tonight and M. Speidel is acting Vice Chair.

1. CITIZENS' FORUM

Citizens Forum Open

No one spoke

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- September 12, 2023 Regular Meeting Minutes

Motion J. Elliard moved to approve September 12, 2023 as submitted. Seconded by: K. Mavrogeorge.

Vote: U/A

3. OLD BUSINESS

None

4. NEW BUSINESS

The Vice Chair noted items 4A and 4B will be heard together.

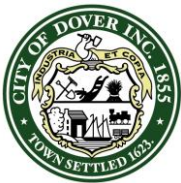
- A. Consideration and acceptance of a Conditional Use Permit for Cooperative Alliance for Seacoast Transportation (COAST), Assessor's Map H, Lot 35-C-4, zoned CM, located at 42 Sumner Drive. (Proposal is to allow grading, placement of impervious surfaces and a stormwater management system, within the 50-foot wetland buffer). *(COND-2023-0056)
- B. Consideration and acceptance of a Site Review for Cooperative Alliance for Seacoast Transportation (COAST), Assessor's Map H, Lot 35-C-4, zoned CM, 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). *(SITE-2023-0002)

T. Clark recused himself.

D. Benton explained that the applicant is looking to raze the existing building and build two new buildings at 42 Sumner Drive. These would host COAST's fleet and offices, revise and add parking. The proposal is for a 28,700 s.f. vehicle storage building and a 17,000 s.f. administration operations and maintenance building. The site is proposed to be serviced by municipal water and sewer. The plan appeared before the TRC on April 6 and June 22, 2023

The development requires a CUP request for 14,479 s.f. of temporary and 5,862 s.f. of permanent wetland buffer impact. The Conservation Commission endorsed the application at their September 11, 2023 meeting.

Ben Clark, CMA Engineers represented the application.



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He gave background of what is currently on site- the maintenance and operations building. The administration is currently on a different site. The proposal will put administration, maintenance, and operations on the same site along with vehicle storage.

He explained the permanent impact is for pavement which is replacing old pavement. The overall site footprint will be extended, but the impervious area will be reduced by 1,100 sq ft.

Two waivers are sought for streetscape and landscape architect stamp. He explained this site is tucked in the back and not visible from the street. They have provided plans with overall information. This is a redevelopment project and vegetation will be staying. The interior plantings are appropriate for the site.

M. Speidel asked if the bus stop will stay.

Rad Nichols, Executive Director COAST said the bus stop is proposed to move to the interior of the site at 42 Sumner.

K. Pimental asked a few questions about EV charging station plans which Mr. Clark answered. He also asked if there are any plans for any of the fleet to be electric. R. Nichols responded there has been discussion, though implementation would be years into the future. The COAST board has some concerns about electric buses, but the facility will be prepped so that EV chargers can be added to the storage and/or maintenance bays in the future.

Motion: F. Cullen 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 – CUP:

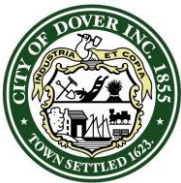
The Conservation District ordinance §170.27.1.F. provides for Conditional Use Permits to allow impacts to wetlands and wetland buffers if standards related to demonstration that no practicable alternative exists, impact avoidance was considered, impacts were minimized, and mitigation has been sought.

Planning Staff feels that the applicant has tried to design the site to improve the existing conditions by lessening the overall impervious area by 1,100 s.f. and has located stormwater management systems where the existing systems are and will expand upon the footprint to meet the stormwater treatment requirements. The applicant has considered the criteria of practical alternative, avoidance, minimization, and mitigation and propose to create minimal additional wetland disturbance on the site as described in the narrative in the application materials.

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

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

1. Site Plan (SITE-2023-0002) be approved.
2. Wetland buffer placards are noted on the plan to be added pre-disturbance and replaced if needed post construction.



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Motion: F. Cullen moved to grant the CUP with subsequent conditions and found the criteria of §170.27.1.F have been met. Seconded by: J. Eliard. Vote: U/A

STAFF RECOMMENDATION – Waivers:

Per the applicant's narratives dated June 8, and September 5, 2023, the applicant is requesting the Board grant two waivers from:

- Waiver from interior landscaping §153-13.A.(12)
- Waiver from streetscape requirement §153-13.A.(17)

§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 finds the waiver requests the landscaping and LLA stamp and streetscape meet criterion 2 as the site is setback from Knox Marsh Road, is in an industrial area, is an improvement to the existing conditions and meets the site plan criteria intent.

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

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

1. A note be added that waivers for from the interior landscaping and LLA stamp requirements which is stated in §153-13.A.(12) and from 153-13.A(17) and the Board found the criteria of Chapter 153-21 have been met.

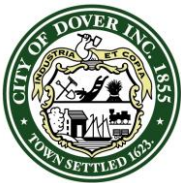
Motion: F. Cullen moved to grant the waivers with subsequent conditions and found the criteria of §153.21. have been met. Seconded by: K. Mavrogeorge. Vote: U/A

STAFF RECOMMENDATION: SITE PLAN

The Planning Department recommends the Planning Board make necessary 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 Signing of Plans:

1. Conditional Use Permit (COND-2023-0056) be approved.
2. The applicant shall provide the Planning Department with a digital version of the final plan set.
3. Provide PE stamp and signature on traffic analysis.
4. Provide a CAD file to the satisfaction of the Asset Management Administrator.
5. The applicant shall revise the plan set to:
 - a. Add owners' signatures;
 - b. Add all professional signatures and stamps;
 - c. Revise lighting to not encroach onto abutting parcels.
 - d. Revise note on C-2 about Groundwater Protection to indicate Secondary.



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- e. Add note to the plan that Fuel Storage and dispensing shall be in compliance with applicable NFPA and ICC documents.
- f. Provide additional detail on sheet C-2 regarding the Fuel Storage including spill prevention/containment and emergency action plan. Coordinate with Environmental Project Manager, Gretchen Young, to be sure required information is provided.

Subsequent Conditions 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 or Planning Director.
- 7. The wetland buffer placards be installed every 50 feet.

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

- 8. Payment of Water and Sewer Investment Fees if applicable.

Subsequent Conditions to Be Met Prior to Occupancy:

- 9. Impact fees per unit will be invoiced through the permit portal and shall be paid.
- 10. Confirmation, by staff, that the wetlands buffer signs are in place, or replaced if damaged during construction;
- 11. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work;
- 12. Issuance of the Certificate of Occupancy.

Motion: K. Pimental moved to approve the site plan with subsequent conditions and found the application to meet the required items for site plans. Seconded by: J. Elliard. Vote: U/A

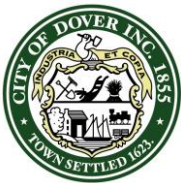
- C. Consideration and acceptance of a Site Plan Amendment for John Kniphfer (Owner: Kniphfer, LLC) Assessor's Map I, Lot 55-A, zoned R-12, located at 43 Back River Road. (Proposal is for a daycare use and to install a second driveway to help with traffic flow at drop off and pick up with associated parking). *(WAIV-2023-0004)

D. Benton explained the applicant purchased a building that was previously a child care use and requested a second driveway and expanded the child care use in number of students and small building addition. The expansion of child care use requires Technical Review Committee review per the definition of "CHILD CARE FACILITY" in the Zoning Ordinance.

Several staff and TRC members had concerns about a second curb cut on site and suggested partnering with Holiday Drive to use that as a second curb cut. Provided in the packet materials is the abutter on Holiday Drive's response that they were not willing to have a driveway onto Holiday Drive.

Discussions regarding on-site travel flow, stacking, pick-up, drop-off, event parking, sight distance, left turn lane, signage, and more were all discussed.

The initial design of the driveways and internal traffic flow and parking were altered during the TRC process from what was originally submitted. The applicant's engineer provided a traffic study and sight distance plan per staff's request.



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The applicant has changed the traffic flow to an inbound on the southern driveway and full egress on the northern driveway and the applicant's engineer has indicated the sight distance is adequate based off the 85th percentile of the speed data provided by the Police Department.

Engineering and public safety staff are now more confident in the revised layout and one-way traffic flow and after reviewing engineered plans and studies that were submitted for review. Therefore, after several meetings with the applicant and their representatives, before the Board now is a plan that has a one-way traffic flow with two curb cuts on Back River Road via an engineered plan that indicates proper sight distance. This project scope was still one the TRC felt needed Planning Board review and approval.

The site is serviced by municipal water and private sewer. The plan appeared before the TRC on June 22 and August 3, 2023 (most recent minutes attached).

Michael Malynowski, Allen & Major Assoc, Civil Engineers and surveyors, represented the application and expounded on the information provided by staff.

M. Speidel asked about the planned increase of students and Mr. Malynowski gave details.

Motion: T. Clark 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:

§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 necessary findings and vote on the Site Plan application. Should the Board vote to approve the request, Planning Staff suggest doing so with the following subsequent conditions as the plans meet the standards outlined:

Subsequent Conditions to Be Met Prior to Signing of Plans:

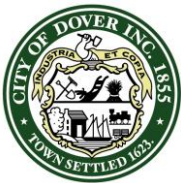
1. The applicant shall provide the Planning Department with a digital version of the final plan set.
2. Provide a CAD file to the satisfaction of the Asset Management Administrator.
3. The applicant shall revise the plan set to:
 - a. Add owners' signatures
 - b. Add all professional signatures and stamps
 - c. Add note to plan that shrubs and plants that may hinder any sight distance will be trimmed back as needed to ensure adequate sight distance.

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

4. Payment of Water and Sewer Investment Fees if applicable based off expanded use;

Subsequent Conditions to Be Met Prior to Occupancy:

5. Impact fees as applicable will be invoiced through the permit portal and shall be paid.



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6. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work;
7. Issuance of the Certificate of Occupancy.

K. Pimental asked for clarification about sewer upgrades.

K. Mavrogeorge explained that if sewer upgrades are made on Back River Rd, a 6" sewer stub will be provided and that change from 4" to 6" will be required of the applicant at that time.

Motion: F. Cullen moved to approve the site plan amendment with subsequent conditions and found the application to meet the required items for site plans. Seconded by: T. Clark. Vote: U/A

- D. Consideration and acceptance of a Site Plan Amendment for Dewberry Engineers, Inc. (Owners: Giri Dover 200, Inc.), Assessor's Map 11, Lot 2-4, zoned C, located at 200 Sterling Way. (Proposal is to install three (3) Electric Vehicle Charging Stations in parking lot, totaling twelve (12) chargers). *(WAIV-2023-0005)

D. Benton explained that the applicant is requesting to amend a previously approved site plan to add Electric Vehicle (EV) chargers to the existing parking lot. The proposal is to add 2 EV charging stations with a total of 12 charger ports. These chargers are proposed to be Tesla chargers and meet the requirements of our EVSE regulations, save the signage requirement. This amendment request was reviewed by the TRC on June 29, 2023 and August 31, 2023 (most recent minutes attached).

Matt Tilden, Dewberry Engineers represented the application.

He answered board questions explaining:

- the chargers will be available for use by anyone, not just those at the hotel;
- the hotel parking will not be affected as anyone can use those spots if all others are taken;
- Tesla has their own charging adaptor though other brands have that style and would be able to use it as long as they have the appropriate equipment- and the Tesla app;
- signage is not proposed to direct anyone to the charger though Teslas have a navigation system to find nearby chargers. Other EV users can find locations through the Tesla app;
- 20-25 min gets up to 80% charge which is the ideal battery max while travelling

Motion: T. Clark moved to accept the application and declared no regional impact. Seconded by: M. Speidel. Vote: 6-1 with Elliard opposed

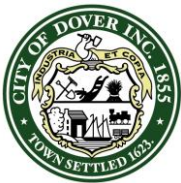
Public hearing opened

No one spoke

Public hearing closed.

STAFF RECOMMENDATION-Waivers:

Chapter 153-14(3)(c) explains the requirements for parking spaces containing Electric Vehicle Supply Equipment (EVSE). That section outlines the need for directional signs as well as signage at the chargers that indicate the space is for EV charging only days and hours of operations if time limits or tow-away provisions are to be enforced, and voltage and amperage levels and any time of use, fees, and important safety instructions are included. The applicant felt that Tesla chargers for Tesla customers did not need this level of signage.



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§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 finds the waiver requests for EVSE signage are supported under criterion (2) above as the applicant proposes to only provide ADA signage as shown on the plans.

Therefore, the Planning Department recommends the Planning Board 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 for from the 153-14(3)(c) for EVSE signage and the Board found the criteria of Chapter 153-21 have been met.

T. Clark noted he has the same concerns as J. Elliard and brought it up at TRC that other EVs (not Tesla) don't have as easy access to it but as Tesla is paying for it and doing the installation, he is ok with it.

Motion: T. Clark moved to grant the waivers with subsequent conditions and found the application to meet the required items for site plans. Seconded by: F. Cullen.

K. Pimental referenced a note that safety information and instructions are visible through the app and had concerns that without the signage, there is no safety information or instructions at the charger. He asked the applicant what safety information is usually on their signage.

Mr. Tilden could not think of any safety information normally provided at a charger.

Vote: 6-1 with Elliard opposed.

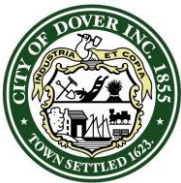
STAFF RECOMMENDATION-Site Plan Amendment:

§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 necessary findings and vote to approve the Site Plan amendment with the following subsequent conditions as the plans meet the standards outlined:

Subsequent Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall provide the Planning Department with a digital version of the final plan set.
2. Provide a CAD file to the satisfaction of the Asset Management Administrator.
3. The applicant shall revise the plan set to:
 - d. Add owners' signatures;
 - e. Add all professional signatures and stamps.
 - f. Add note that all previous conditions still apply.
 - g. Ensure all common notes are on the plan set.



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Subsequent Conditions to Be Met Prior to any Construction:

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

Subsequent Conditions to Be Met Prior to Completion:

5. Impact fees as applicable will be invoiced through the permit portal and shall be paid.
6. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
7. As-builts are sent to City of Dover.
8. Issuance of the Certificate of Completion.

Motion: T. Clark moved to approve the site plan with subsequent conditions and found the application to meet the required items for site plans. Seconded by: K. Mavrogeorge. Vote: U/A

E. Consideration and acceptance of a Conditional Use Permit for David A. Laroche and Mihaela Nicoleta Laroche, Assessor's Map A, Lot 39-2, zoned R-40, located at 7 Fieldstone Drive. (Proposal is to allow a septic system within 75' of wetlands). *(COND-2023-0055)

D. Benton explained that the applicant is requesting a Conditional Use Permit to allow for a new septic system to replace an existing failing septic system which is already within 75' of a wetland. The Conservation Commission endorsed this application at their September 11 2023 meeting. Staff provided an updated memo with a condition removed as the applicant has indicated they will be working with the Engineering office on revising the culvert and the drainage issue.

Joseph Nichols, Nichols Environmental, LLC represented the application and explained following transfer of the property the system was determined to be in poor/ failing condition, so the updated system has been designed and proposed. There is a note from the original plan that the system did not and could not meet the 75' Dover regulations but did meet the 50' state regulations as this proposed system also does. He explained the water tables, soils, and drainage on site which all lead to meeting the NHDES 50' standard and not needing 75'.

He explained the reasoning for the long distance pump system on site.

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

Public hearing opened

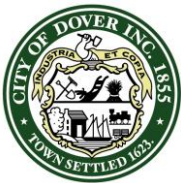
No one spoke

Public hearing closed.

STAFF RECOMMENDATION:

The Conservation District ordinance §170.27.1- G(2) states no septic systems can be placed within 75' of a wetland and §170.27.1-F provides for conditional use permits to be granted 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 and property owner is replacing a failing septic system and has met the criteria of practical alternative, avoidance, minimization, and mitigation and propose to create minimal



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additional wetland disturbance to the extent possible and is working with NHDES on the new septic system.

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

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

1. Copies of state permits are provided to the Planning Department.

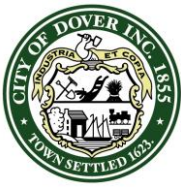
Motion: F. Cullen moved to grant the Conditional Use Permit with subsequent conditions and found the application to meet the required items for site plans. Seconded by: J. Elliard. Vote: U/A

5. STAFF COMMENTS

- Governor's Advisory Commission on Intermodal Transportation (*GACIT*) Hearing in Dover about 10 year plan this Thursday night across the hall in the auditorium.
- Route 108 meetings going on and online forum available for feedback for anyone who was unable to attend the 3 public meetings.
- Next PB meeting will be October 24th as the 10th was supposed to have one minor subdivision so the applicant agreed to being heard on October 24th instead to provide the PB a night off.
- TRCs since last meeting:
 - Site Review for TF Moran (Owners 256-264 Central Avenue, LLC), zoned Central Business District, located at 256 & 264 Central Avenue. (Proposal is to replace gravel parking with 10,595 sf of paved parking related to their renovation of the buildings). (SITE-2023-0013)
- TRCs coming up:
 - Site Review Horizons Engineering, Inc. (Owners: Hellenic Realty Partners, LLC), zoned Central Business District-General, located at 333 Central Avenue. (Proposal is to convert 3,155 sf on 2nd floor space into 2 residential units and retain 1,875 sf for commercial space). (SITE-2023-0014)
- Zoning Administrator Natasha Kypfer is resigning and going to be a Planner for the City of Portland. Thanked her for all of her time and efforts to Dover.

6. MEMBER COMMENTS

- Chair signed plans for Oak St. Subdivision, LLA for Central/Brick, and 239 Knox Marsh Rd.
- K. Pimental
 - Mike Gillis/ Made in Dover series is great and especially the Pythian Castle episode
 - Described ninja turtles sewer cap update on design and it's great
- M. Speidel
 - Any plan to add another permanent member to the board?
 - Yes, the plan is for J. Elliard to move to full board member and a few people have expressed interest in the alternate position
 - Recycling center on Mast Rd just installed jersey barriers and now the leaves and grass aren't making it to the right spot which is hard for residents and employees
 - K. Mavrogeorge believes it might be a temporary solution while more permanent plans are researched
- J. Elliard
 - EV infrastructure state-wide is under review and hopefully good solutions are coming soon.



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7. ADJOURNMENT

Motion: M. Speidel moved to adjourn at 8:11. Seconded by J. Elliard. Vote: U/A