



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, November 14, 2023**
Meeting Time: **7:00 pm**

Members Present: Mark Speidel, Fergus Cullen (Councilor), Tom Clark, Erinn Kaspari, Kyle Pimental, Ken Mavrogeorge, and George DeBoer (Alternate)

Members Not Present (excused): Gina Cruikshank (Chair), Hayley Harmon (Vice Chair), Jon Elliard, Melina Gambino (Alternate)

Members Not Present (un-excused): None

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

K. Pimental called the meeting to order at 7p.m, explained the citizens' forum process and noted that M. Speidel would Vice Chair and that G. DeBoer would sit in for Hayley Harmon.

1. CITIZENS' FORUM

Citizens Forum Open

No one spoke

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- October 24, 2023 Regular Meeting Minutes

Motion F. Cullen moved to approve October 24, 2023 as amended. Seconded by: T. Clark. Vote: U/A

3. OLD BUSINESS

None

4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for A & H Welding Academy (Owner: Carlton Realty, LLC), Assessor's Map D, Lot 14-3B, zoned IT, located at 69 Venture Drive. (Proposal is the start-up of a welding school with ten (10) welding booths and a large classroom to teach students). *(COND-2023-0057)

D. Benton explained that the applicant is proposing to open a welding school at 69 Venture Drive. This type of use requires a Conditional Use Permit per the Zoning Ordinance which can be granted after two criteria have been met. However, as part of an Industrial Park and depending on the size of the change of use, additional review by Dover Business and Industrial Development Authority (DBIDA) and the Technical Review Committee (TRC) are suggested as precedent conditions of approval.

This application was not reviewed by the Technical Review Committee.

Adrian Hill, A&H Welding Academy represented the application and discussed the need for the CUP and that they meet the criteria of the school being a trade, vocational, career technical school and accredited by NH.

The course is a six-month course to teach the skill of welding. Various certifications are available to receive. Operating hours are 7am-3:30pm Monday through Friday.

Board members asked clarifying questions.

Mr. Hill clarified that they will be an approved trade school before they start, but in order to get accredited by the state, they have to run the school for two years.

F. Cullen commented that he believes the applicant meets the intent of the criteria and would not want the accreditation criteria to be a barrier towards the applicant's progress. M. Speidel agreed.



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Meeting Date: **Tuesday, November 14, 2023**
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Jesse Anderson, A&H Welding Academy, noted they will be a licensed secondary trade school through NH immediately once the building is set up and inspected.

The applicants further clarified there will be four courses offered and 10 students per course.

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

Public hearing opened

No one spoke

Letter from James Kenny, President of Sarnia Properties, 71 Venture Dr is not opposed to the school, but does not want the parking to affect his property.

Public hearing closed.

The applicants confirmed they have adequate parking on-site.

STAFF RECOMMENDATION:

The second page of the Innovative Technology (IT) Tables of Use provides the Conditional Use Permit Criteria for Educational Institution, Post Secondary:

- A. The school is a trade/vocational/career technical school
- B. The school is accredited by the State of New Hampshire

The Planning Department recommends that the Planning Board make findings, and vote to approve the Conditional Use Permit with the following precedent conditions:

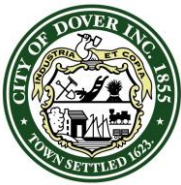
Precedent Conditions to Be Met Prior to the Issuance of the Conditional Use Permit:

1. The applicant shall:
 - a. Provide overall site plan to show any site changes to parking, lighting, landscaping, stormwater, number of employees, number of students for review with by the Technical Review Committee.
 - b. Get endorsement from Dover Business and Industrial Development Authority.
 - c. Provide proof that the school is licensed by the State of New Hampshire.
 - d. Impact fees are paid as applicable prior to occupancy.
 - e. Water and Sewer Investment fees, as applicable, shall be paid prior to renovations.
 - f. Provide proof of accreditation by the State of NH after two years of operation.

Motion: F. Cullen moved to approve the Conditional Use Permit with precedent conditions as it meets the criteria of type of school and on a path to accreditation. Seconded by: G. DeBoer. Vote: U/A

- B. Consideration and acceptance of a Site Review for Horizons Engineering, Inc. (Owners: Hellenic Realty Partners, LLC), Assessor's Map 2, Lot 19, zoned CBD-G, 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)

D. Benton explained the applicant is the applicant had previous approval for a mixed-use project in the former Fosters Daily Democrat building. The previously approved plan (P18-04) was amended (building façade, minor site changes) on October 9, 2018 (P18-04A). To fulfill one of the conditions of approval for the amendment, the applicant needed to come back to the Planning Board for a compliance hearing regarding architectural changes to the façade of the building which was held on December 11, 2018 (P18-04B). Then another amendment to add 14 residential units was conditionally approved by the Planning



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Board on July 23, 2019 (P18-04C). Now the applicant is looking to convert approximately 3,155 s.f. on the second floor into 2 residential units and retain approximately 1,875 s.f. for commercial space. The applicant is back for another amendment to allow 2 additional residential units to be built. This application was reviewed by the TRC on October 12, 2023 (minutes attached).

George Kostis, Hellenic Realty and Mike Sievert, Horizons Engineering, represented the application. Their plan when they purchased the property in 2018 was to keep the historic building and with that comes challenges. The property topography is such that one side of the building's first floor lines up with the third floor on the other side. They have tried to lease the building, but the feedback from interested parties in the post-COVID world is that the space is too large, and could it be subdivided? They are now proposing to subdivide in a way where the front half would be commercial and visible from the street and the back half would divide into apartments.

The applicant answered some clarifying questions from board members.

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

Public hearing opened

No one spoke

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 or redevelopment of various types. This plan is consistent with those regulations.

The Planning Department recommends that the Planning Board make findings, and vote to approve the amendment to the site plan with the following subsequent conditions:

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

1. All conditions of approval from the December 11, 2018 meeting be met and July 23, 2019 shall be met.
2. The applicant shall provide:
 - a. A digital version of plan set
 - b. Copy of lease for 3-4 additional parking spaces off-site at lot 23/21 or alternative
3. The applicant must revise final plan set to:
 - a. Add the owner's signatures to the final plat
 - b. Add PE and Architect signatures and stamps to final plan
 - c. Replace planning file number with SITE-2023-0014

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

4. The amended building shall be assessed and pay the current water and sewer investment fees in place at the time of application for service.

Subsequent Conditions to Be Met Prior to Occupancy:

5. Issuance of a certificate of occupancy.
6. Impact fees shall be paid per the invoice.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, November 14, 2023**
Meeting Time: **7:00 pm**

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

Motion: F. Cullen moved to approve the Site Plan Amendment with subsequent conditions as it meets land use regulations. Seconded by: K. Mavrogeorge. Vote: U/A

The Vice Chair noted that Items 4C, D, & E would be heard together.

- C. Consideration and acceptance of a Minor Subdivision for Berry Surveying & Engineering (Owners: Heron Bay Partners, LLC), Assessor's Map H, Lot 4, zoned IT, located at Cielo Drive. (Proposal is to subdivide 1 lot into a total of 2 lots). *(SUBM-2023-0006)
- D. Consideration and acceptance of a Transfer of Development Rights for Berry Surveying & Engineering (Owners: Heron Bay Partners, LLC), Assessor's Map H, Lot 4, zoned IT, located at Cielo Drive. (Proposal is to purchase 20 units through Transfer of Development Rights). *(TRAN-2023-0004)
- E. Consideration and acceptance of a Site Review for Berry Surveying & Engineering (Owners: Heron Bay Partners, LLC), Assessor's Map H, Lot 4, zoned IT, located at Cielo Drive. (Proposal is for the construction of 56 townhouses along Cielo Drive). *(SITE-2023-0016)

D. Benton explained that the applicant is requesting to construct fifty-six (56) residential townhouse units in a series of eight (8) buildings. Twenty (20) of the units are to be achieved by acquiring Transfer Development Rights (TDR) which would not be restricted in size or HUD rates and therefore would require the full TDR fee. There was a previous request for 52 TDR units however the applicant has completed a new yield plan that indicates 20 units would need to be purchased through the TDR ordinance.

The proposal is to amend a previously approved Site Plan Approval dated 12/20/2011 allowing a total of seventy-two (72) residential units (single family homes, duplexes, and triplexes) and seventy-two (72) congregate care units between two (2) buildings. To date sixty-nine (69) of the residential units have been constructed. The applicant is proposing an age restriction on the proposed units, however, there are no requirements or standards in the City's Site Plan Regulations that relate to age restricting the development.

It will be serviced by public water and sewer. This application was most recently before the Technical Review Committee on June 30, 2022 (minutes attached).

The first item is to subdivide lot H/4 into two lots, resulting in the creation of one new lot. The new lot is to be accessed from Cielo Drive. The lots are proposed to be serviced by municipal water and sewer.

The Planning Board had conditionally approved this request in September 2022, but their approval expired so the applicant is back with the same subdivision request and site plan. The CUP is still active. There are two waiver requests as well that the applicant can go into more detail on.

Christopher Berry, Berry Surveying and Engineering represented the application. He confirmed this is the same project approved last year with no changes. The TDR fee was not paid in time, so the approvals have lapsed. Tonight, they seek reapproval of the same project previously presented and approved. The request for TDR units is less, but the total units remains the same.



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DOVER PLANNING BOARD – MINUTES

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Meeting Date: **Tuesday, November 14, 2023**
Meeting Time: **7:00 pm**

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

Public hearing opened

A letter was received from Richard Dolbec, 47 Cielo Drive which outlined questions about the subdivision of the lots, age restriction and regulations, parking and crosswalks.

Public hearing closed

Mr. Berry noted they have met with Mr. Dolbec and resolved the questions he has. He confirmed for the board it is still an age restricted development and the amenities will be separate from the existing development.

STAFF RECOMMENDATION - Minor Subdivision:

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

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

Subsequent Conditions to Be Met Prior to Signing of Plans:

1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford Country Registry of Deeds, which additionally shall include:
 - 1.1. The owner's signatures
 - 1.2. Include the Planning File #SUBM-2023-0006
 - 1.3. The stamp and signature of the LLS on the final plans
 - 1.4. Confirm lot numbering with City Assessor

Motion: M. Speidel moved to approve the Minor Subdivision with subsequent conditions set by staff and amended by the Planning Board. Seconded by: T. Clark. Vote: U/A.

STAFF RECOMMENDATION – Transfer of Development Rights Waivers:

The applicant seeks a waiver of the no-cut, no-disturb 30' perimeter buffer requirement of §170-27.2.G.(7) in the area of the frontage along Cielo Drive (creating a streetscape) and the parking lot area which is adjacent to another small parking array off of Cielo Drive due to the characteristics and circumstances of the subject parcel related to the previously approved development. Parameter buffers of the original development on adjacent parcels (following subdivision) are still in place.

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

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



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, November 14, 2023**
Meeting Time: **7:00 pm**

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

1. Add a note that the Planning Board approved waiver and found that the criteria of Chapter 153-21.A have been met.

Mr. Berry clarified for the board the need for this waiver and where on the property it applies.

Motion: T. Clark moved to grant the waiver with subsequent conditions set by staff. Seconded by: F. Cullen.
Vote: U/A.

STAFF RECOMMENDATION-TDR:

§170-27.2 provides for additional density to be purchased through Transfer of Development Rights. This application meets the ordinance.

STAFF RECOMMENDATION - TDR:

The Planning Department recommends that the Planning Board vote to find the criteria of the TDR ordinance has been met with the following subsequent conditions:

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

1. Approval of Site Plan (SITE-2023-0016) and approval of the one lot subdivision (SUBM-2023-0006);
2. Add note to the plan that no additional dwelling units may added to the property without Planning Board approval and note number of TDR units approved; and
3. Payment of TDR fees for each TDR unit approved.

Motion: T. Clark moved to grant the Transfer of Development Rights request with subsequent conditions set by staff. Seconded by: E. Kaspari. Vote: U/A.

STAFF RECOMMENDATION- SITE PLAN WAIVERS:

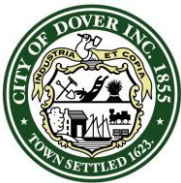
A waiver of §157-32.G: Road grade within 75' of an intersection is being sought for a grade greater than 4% on a collector road. The applicant proposes a 5% grade where Windsor Dr. intersects Cielo Dr. The applicant's original amendment proposal featured a designed cul-de-sac, which was replaced by a loop road to satisfy TRC comments from several departments to provide two points of access into the development.

Section 153-21 of the Site Plan Review Regulations 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 believes the applicant's rationale for the waivers meets both criterion and waiving such standards and requirements is not contrary to the spirit or intent.

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



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

1. Add a note that the Planning Board approved waiver for the road grade within 75' of an intersection standard of §157-32.G and found that the criteria of Chapter 153-21.A have been met.

Motion: F. Cullen moved to grant the waivers with subsequent conditions set by staff. Seconded by: T. Clark.
Vote: U/A.

STAFF RECOMMENDATION – Site Plan:

§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 that the Planning Board make the necessary and supporting findings of fact, and vote to approve the Site Plan with the following subsequent conditions:

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

1. Final Approval of the revised CUP (P06-25G) and minor subdivision (SUBM-2023-0006);
2. Revise plan and resubmit for Final Planning Board signature with the following revisions:
 - 2.1. Add owner's signature;
 - 2.2. Add at least two windows to the ends of the townhouse buildings;
 - 2.3. Add architect stamp and signature to Architectural Plan Set; and

Subsequent Condition to Be Met Prior to Construction:

3. A site construction sign with the contact information for the general contractor must be displayed in a location approved by the City Engineer or Planning Director; and

Subsequent Conditions to Be Met Prior to Building Permit:

4. Payment of the water/sewer fees at time or request of service;
5. Development agreement has been recorded;

Subsequent Conditions to Be Met Prior to Occupancy:

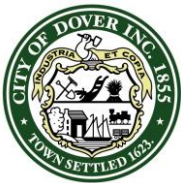
6. Issuance of Certificate of Occupancy.
7. Payment of Impact Fees as noted in the invoice.
8. Surety or other form of security acceptable to the City is provided for any unfinished work.

Mr. Berry explained the payment timeline proposed by the applicant. D. Benton further explained the financing proposal and how it will be implemented. Board discussion ensued.

Motion: T. Clark moved to approve the site plan with subsequent conditions set by staff. Seconded by: F. Cullen. Vote: U/A.

5. STAFF COMMENTS

- CIP joint meeting will be at 7pm on the 29th
- Seacoast Workforce Housing Coalition Visionary Award recipient on the 30th.
- Housing Committee held its first meeting and will continue to meet monthly
- We have a conditional offer out to a Zoning Administrator candidate. Hopefully starting in a couple of weeks.
- TRCs since last meeting:



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- Site Review for Stonefield Engineering & Design (Owners: Dover Retail Management, LLC & R W Realty Inc.), zoned Commercial, located at 1-3 Webb Place and 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. (SITE-2023-0011 & COND-2023-0054)
- Site Review for Jared Lusk (Owners: Lionel R Jr & Kristina L Paradis), zoned IT and R-40, located at 180 Tolend Road. (Proposal is to construct and operate a 104' wireless telecommunications facility) (SITE-2023-0012)
- TRCs coming up:
 - Site Review for H.J. Stabile & Son, Inc, zoned G, located at Locust Street. (Proposal is to construct a Townhouse Condominium Complex of 22 units with associated parking & drainage. A Conditional Use Permit application would also appear before the Planning Board. (SITE-2023-0015)
 - 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)
 - 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 6 duplex structures (12 units total) with the single-family dwelling to remain on the property). (SITE-2023-0007). [*This item was previously heard on October 12, 2023*]

6. MEMBER COMMENTS

- The amendment at the corner of Grove St (retaining wall) is ready for the Chair's signature.
- K. Pimental
 - Fosters building applicant noted 2,000 sq ft is optimal size for filling commercial space leases which is interesting. He wondered if the mixed used buildings which have remained vacant would benefit from subdividing the spaces.
- D.Benton answered questions about the Planning Board meeting schedule.

7. ADJOURNMENT

Motion: G. DeBoer moved to adjourn at 8:11pm. Seconded by K. Mavrogeorge. Vote: U/A