

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 12, 2023**
Meeting Time: **7:00 pm**

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

Members Not Present (excused): Erinn Kaspari, Jon Elliard, Melina Gambino (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, noted G. DeBoer is sitting for E. Kaspari, and explained the citizens' forum process.

1. CITIZENS' FORUM

Citizens Forum Open

Bradley Amari, 51 Tuttle Ln shared some information regarding how to look at property values relating wetlands as well as mitigation costs.

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- November 14, 2023 Regular Meeting Minutes

Motion T. Clark moved to approve the November 14, 2023 minutes as submitted. Seconded by: M. Speidel. Vote: U/A

3. OLD BUSINESS

None

4. NEW BUSINESS

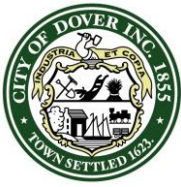
Motion: M. Speidel moved to hear item 4E first. Seconded by: H. Harmon. Vote: all in favor with T. Clark abstaining.

E. Consideration and acceptance of Transfer of Development Rights for Brian Slovenski, Assessor's Map L, Lot 111, zoned R-20, located at 306 Dover Point Road. (Proposal is to purchase two (2) additional living units, for a total of 6 living units, within three (3) buildings). *(TRAN-2023-0005)

D. Benton suggested there may be an abutter notification issue so best practice is to continue the item to January 9th.

Motion: F. Cullen moved to continue the item to the next planning board meeting. Seconded by: G. DeBoer. Vote: U/A.

A. Consideration and acceptance of an Extension Request for a conditionally approved Site Plan and Lot Line Adjustment for JSR, LLC, Assessor's Map D, Lots 11-5 & 11-5SND, zoned IT, located at Quality Way & Venture Drive. (Proposal is for the Planning Board to extend the period of time for conditions to be met prior to plan signing). *(WAIV-2023-0011)



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D. Benton explained that the applicant is requesting another extension to June 11, 2024 due to ongoing items that need other entities review such as SELT for changing the conservation easement lines. The Board previously granted an extension request on July 25, 2023 which expires on December 13, 2023. Previously, the applicant was conditionally approved for a lot line adjustment, a wetland buffer CUP and Site Review to construct of a 10,080 s.f. contractor storage bay/office facility consisting of four (4) separate bays with office space.

Christopher Berry, Berry Surveying and Engineering represented the application noting all other conditions have been met. They are just waiting for others to complete this last item.

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

Public hearing opened

None

Public hearing closed.

STAFF RECOMMENDATION:

Chapter 153-8.A of the Site Review Regulations of the City Code provides for the Planning Board to extend the time period to address conditions of approval after the Planning Director grants one 90-day extension. Since some of the conditions of approval require approval from multiple entities which takes significant time which is beyond the control of the applicant, therefore staff recommends the Board grant the extension to June 11, 2024.

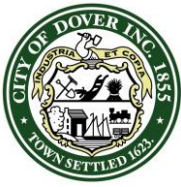
The Planning Department recommends the Planning Board vote to grant the Extension Request for both the Site Plan (Site-2022-0011) and Lot Line Adjustment (LOTA-2022-0002) with the same conditions of approval as outlined in the original Notices of Decision.

Motion: G. DeBoer moved to grant the extension request to June 11, 2024. Seconded by: T. Clark. Vote: U/A

B. Consideration and acceptance of a Conditional Use Permit for Oak Point Associates (Owner: Portsmouth Christian Academy), Assessor's Map J, Lot 1-C, zoned R-40, located at 20 Seaborne Drive. (Proposal is to expand the existing playground area creating 607 square feet of temporary impact and 3,852 square feet of permanent impact to the wetland buffer). *(COND-2023-0058)

D. Benton explained the applicant is requesting a Conditional Use Permit to allow an expansion of the existing playground area creating 607 s.f. of temporary impact and 3,852 sf. of permanent impact to the wetland buffer.

The Conservation Commission endorsed this application at their November 13 2023 meeting with the condition that the applicant attempt to return a similar square footage of the previously mowed



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wetland buffer area to a natural state with emphasis placed on an educational opportunity for students. The applicant has revised the plans to show the restoration area.

Wade Lippert, Oak Point Associates represented the application explaining the project and details of the site. He explained the plans for protecting the area to be restored to natural conditions, the signage that will be posted and educational aspects available for the students relating to the regrowth.

K. Mavrogeorge asked for some clarifications relating to the sewer easement which was addressed by Mr. Lippert and sent in to the Planning Department.

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

Public hearing opened

No one spoke

Public hearing closed.

STAFF RECOMMENDATION:

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

Planning Staff feels that the applicant and property owner 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.

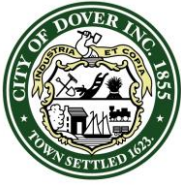
The Planning Department recommends the Planning Board make findings and vote to grant the Conditional Use Permit with the following subsequent conditions:

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. Add file number COND-2023-0058 to the plan sheets' title block.
3. Provide copies of the NHDES approval.
4. Area equivalent to the impact is restored.

Motion: M. Speidel moved to approve the Conditional Use Permit with subsequent conditions proposed by staff and with the addition of condition 4. Seconded by: G. DeBoer. Vote: U/A

C. Consideration and acceptance of a Minor Subdivision for The Hawkins Family Revocable Trust, Assessor's Map 2, Lot 20, zoned CBD-G, located at 297 Central Avenue. (Proposal is seeking a subdivision for title purposes). *(SUBM-2023-0007)



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The applicant possesses ownership of 295 & 297 Central, which per the property's recorded deed, is identified as one single parcel. Applicant wishes to subdivide the existing 0.13± acre lot into two (2) new lots creating Lot 1 with .08± acres and Lot 2 with .04± acres for title purposes. Both new lots will retain adequate parcel size as required by zoning. This application presents no change in the usage of the property. As a minor subdivision, this application did not appear before the TRC.

Kevin McEneaney, McEneaney Survey represented the application and explained the location of the property and the proposal.

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

Public hearing opened

No one spoke

Public hearing closed.

STAFF RECOMMENDATION - Minor Subdivision:

The plan is consistent with Chapter 157-14 of the City of Dover's Land Subdivision Regulations, which provides for subdivision of existing lots.

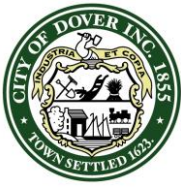
The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to approve the minor subdivision with the following subsequent conditions:

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:
 - a. The owner's signatures;
 - b. Include the Planning File #SUBM-2023-0007;
 - c. The stamp and signature of the LLS on the final plans; and
 - d. Confirm lot numbering with City Assessor
 - e. Add common note 15 (sewer and water)

Motion: M. Speidel moved to approve the Minor Subdivision with subsequent conditions set by staff as it meets regulations. Seconded by: T. Clark. Vote: U/A.

- D. Consideration and acceptance of a Lot Line Adjustment for Nathan & Amy Perkins and Brian S. & Sarah Hennaco, Assessor's Map M, Lots 67 & 68-B, zoned R-20, located at 128 Dover Point Road and 19 Tuttle Lane. *(LOTA-2023-0013)



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D. Benton explained the applicants are requesting to complete a lot line adjustment between two lots, adding 86,924 sq. ft. from Lot 67 to Lot 68-B, leaving Lot 67 with $0.727\pm$ ac. and Lot 68-B with $2.718\pm$ ac.

As a Lot Line Adjustment, this application did not appear before the TRC. Neither Lot's existing frontages will be affected by the proposed adjustment. Staff has received correspondence from an abutter as well as NHDES regarding wetlands complaint and both staff and the NHDES have not found a violation.

Christopher Berry, Berry Surveying and Engineering represented the application explaining the proposal. He further gave details of complaints which have been filed and formally investigated and determined to have no violations on site.

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

Public hearing opened

Bradley Amari, 51 Tuttle Ln noted he is currently representing his parents on an appeal at NHDES. The appeal is regarding 128 Dover Point Rd. If the appeal is successful, there might need to be mitigation applied. He explained their opinions that the maps are incorrect regarding the streams. They don't have an opinion on the lot line adjustment, but ask to wait for the determinations before taking action.

He gave additional details about the land in that area.

Chair Cruikshank reviewed some of his concerns with Mr. Berry and confirmed no action taken today will affect Mr. Amari's appeal.

Mr. Berry also stated by proposing this adjustment, the owner will not be able to develop the back two acres of the parcel.

Public hearing closed.

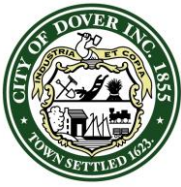
STAFF RECOMMENDATION:

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

The Planning Department recommends the Planning make findings, and vote to approve the application with the following subsequent conditions:

Subsequent Conditions to Be Met Prior to Signing of Plans:

1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford County Registry of Deeds which additionally shall include:
 - a. Planning File Number #LOTA-2023-0013
 - b. The owners' signatures



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- c. The LLS and CWS stamp and signature.
- d. Add contiguous upland area for lot 68-B.

Motion: F. Cullen moved to approve the Lot Line Adjustment with subsequent conditions set by staff. Seconded by: K. Mavrogeorge. Vote: U/A.

F. Public hearing and possible recommendation on the City's proposed Capital Improvements Plan (CIP) FY 2025-2030. The CIP can be found on the City website at www.dover.nh.gov and in the Library, City Clerk's office, and the Planning Department. *

D. Benton explained this Capital Improvements Program was presented at the joint meeting of Planning Board and City Council. It is a six-year financial plan to review big purchases or recurring costs for the time frame of 2025-2030.

Tonight we hold the Planning Board public hearing and there will be another one at Council meeting tomorrow.

Planning Board role is to review the plan to be sure nothing in it goes against the master plan, then make a recommendation to Council tonight. They may vote on it tomorrow night.

K. Pimental noted he sees many CIPs throughout the state and Dover's is always exceptional.

Board members discussed the item and asked clarifying questions which staff answered.

Public hearing opened.

Edgar Crothers, 312 Dover Point arrived late and was here to discuss a particular development going in near Seacoast Furniture and the traffic safety issues there that need attention.

Public hearing closed.

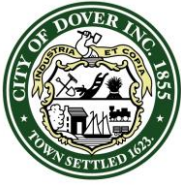
Board members M.Speidel, G.DeBoer, and K.Pimental further discussed the item and asked clarifying questions which staff answered.

Discussion occurred about citizen donation/volunteering for light maintenance of park areas and similar.

Motion: K. Pimental moved to recommend the Capital Improvements Program FY2025 to FY2030 as presented to the City Council. Seconded by: H. Harmon. Vote: U/A.

5. STAFF COMMENTS

- Jeff Sanborn up for appointment for Planning Board at tomorrow's Council meeting
- Next Meeting January 9th at 5:30 for the Meet and Greet and then goal setting and CBDG special meeting
- New Zoning Administrator started on November 27, Paul Crouser.
- TRCs since last meeting:



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- 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).
- TRCs coming up:
 - Site Review for CESO (Owners: 914 Central Avenue, LLC), 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-2023-0008, COND-2023-0045, & COND-2023-0046)
 - Major Subdivision for Diamond Capital, LLC, zoned R-12, located at 42 Long Hill Road. (Proposal is for a 34 lot subdivision. Six (6) of the 34 units were previously approved via Transfer of Development Rights. A related Conditional Use Permit will also appear before the Planning Board) *(SUBD-2023-0006 and COND-2023-0062)
 - D.Benton wished everyone Happy Holidays

6. MEMBER COMMENTS

- K. Pimental
 - Discussion about ideas about how to review the zoning changes made over the past few years and review tour of projects the board has approved.
- Chair signed: 2 Grove St. amendment, Courthouse amendment, Cielo townhouses, and New Rochester Road LLA.
- K. Mavrogeorge
 - Storm water utility will potentially be voted on at tomorrow's Council meeting
 - Appeal for public participation
- H. Harmon
 - Will be resigning from the board in the new year. Thanked the staff and board members.

7. ADJOURNMENT

Motion: H. Harmon moved to adjourn at 8:31 pm. Seconded by K. Mavrogeorge. Vote: U/A