

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall, 288 Central Ave, Dover, NH.
Meeting Date: **Tuesday, February 13, 2024**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Erinn Kaspari, Kyle Pimental
Fergus Cullen (Councilor), Ken Mavrogeorge, Melina Gambino (Alternate), Jeff Sanborn (Alternate)

Members Not Present (excused): Mark Speidel (Vice Chair), Tom Clark, Jon Elliard, and George DeBoer

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 and noted K. Pimental would Vice Chair. M. Gambino will sit for Jon Elliard, J. Sanborn will sit for G. DeBoer, and explained the citizens' forum process.

1. CITIZENS' FORUM

Citizens Forum Open

No one spoke

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- January 23, 2024 Regular Meeting Minutes

Motion F. Cullen moved to approve the regular meeting minutes of January 23, 2024 as submitted.

Seconded by: K. Mavrogeorge. Vote: U/A

Motion F. Cullen moved to hear new business items before discussing impact fees. Seconded by: E. Kaspari Vote: U/A

4. NEW BUSINESS

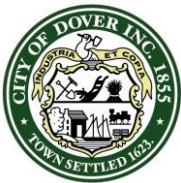
- A. Consideration and acceptance of a Site Plan for City of Dover, Assessor's Map H, Lot 58, zoned IT, located at 271 Mast Road. (Proposal is to build an approximately 5,791 s.f. building with parking and basement storage for Inspections Services in Phase I and Community Services in Phase II) *RSA 674:54 applies. * (SITE-2024-0001)*

D. Benton explained that the applicant is proposing to build a 2,921 square foot building with parking and basement storage for the Division of Inspection Services as Phase I in a two-phase project. The proposed building will be adjacent to the existing Community Services Department facility located at 271 Mast Rd. As part of a future Phase II, the applicant is proposing to build a 2,870 square foot addition for the Community Services Department.

This application was most recently before the Technical Review Committee on January 25, 2024 (minutes provided).

Ken Mavrogeorge, City Engineer recused himself from the item, represented the application and explained the proposal including parking and utilities.

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



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Public hearing opened

No one spoke

Public hearing closed.

STAFF RECOMMENDATION-Waivers:

The applicant is requesting the Board grant a waiver from §153-13.A(12) Landscape plan and §153-14.E Outdoor lighting plan.

The applicant is requesting a waiver from §153-13.A(12) that requires a landscape plan be submitted as the current landscape does not have trees along the road and the proposal includes parking spots and sidewalks along the building. The applicant notes that existing landscapes will be restored during completion of site work.

The applicant is requesting a waiver from §153-14.E that requires an outdoor lighting plan; as part of the proposal, the applicant will be removing two (2) light poles from the existing parking lot but will be adding lighting to the proposed building providing illumination.

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 finds the waivers requests and the applicant’s rationale are supported under criterion (2) above.

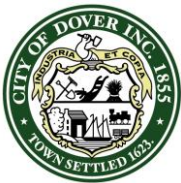
The Planning Department recommends the Planning Board make findings, and vote to approve the waivers with the following non-binding subsequent conditions, as the plans meet the standards outlined:

1. Add note that waivers for 153-13.A (12) Landscape plan and §153-14.E Outdoor lighting plan were granted by the Planning Board and it found the criteria of Section 153-21 have been met.

Motion: K. Pimental moved to grant the waivers and found the criteria of Chapter 153-21 have been met subject the subsequent conditions. Seconded by: M. Gamnino. Vote: U/A

STAFF RECOMMENDATION-Site Plan:

RSA 674:54 provides for Planning Board review of governmental land uses with nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations.



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§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 non-binding subsequent conditions, as the plans meet the standards outlined:

Subsequent Conditions to Be Met Prior to Signing of Plans:

1. Revise plan and resubmit for Final Planning Board signature with the following revisions:
 - 1.1. Add owner's signature;
 - 1.2. Add professional stamps and signatures;
 - 1.3. Add Planning File Number SITE-2024-0001 to all plan sheets in the title block;
 - 1.4. Revise parking note to separate out fleet storage;
 - 1.5. Indicate FDC on site plans.

Subsequent Condition to Be Met Prior to Construction:

2. 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 Condition to Be Met Prior to Completion:

3. Issuance of the Certificate of Occupancy.

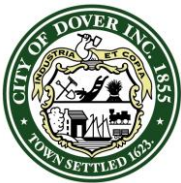
Motion: M. Gambino moved to grant the site plan subject to the subsequent conditions. Seconded by: E. Kaspari. Vote: U/A

B. Consideration and acceptance of an Amendment for Q, LLC, Assessor's Map D, Lot 11-4, zoned IT, located at 110 Venture Drive. (Proposal is an amendment that removes/deletes notes numbered 28, 30, 31, 32, and 33 from the section entitled "Utility Notes" on Sheet 4 of the Site Plan P21-77.) *(WAIV-2024-0001)

D. Benton explained that the Planning Board previously approved a Site Plan for the applicant on December 21, 2021 for a 7,400 square foot addition on a light manufacturing facility to total 38,200 square feet plus an additional ten (10) parking spaces. The Site Plan noted a sprinkler system be installed within the product testing range.

The applicant then came to the TRC for an administrative change to allow the addition of a temporary structure for product testing in March 2023 as a temporary means until they built the addition. There is Note 12 on that amended plan that states, "This plan is part of the entire plan set that is on file with the Dover Planning Office and all previous conditions of approval or items on shown (Dover P21-77) shall still apply for Phase I and Phase II".

Phase I is the 345 s.f. temporary building and Phase II is the 7,400 s.f. building addition and future parking spaces.



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The applicant found the installation of a fire suppression system on the 345 s.f. building to be impractical and furthermore would have voided the manufacturer's warranty for the function of the structure. The applicant has since hired a Fire Prevention Engineer and proposed an alternative manual pull system that has been deemed acceptable and consistent with the International Building Code (IBC) by Building Official Jim Maxfield for the 345 s.f. building.

Staff is recommending that the Planning Board vote to clarify that general plan approval including notes are only germane to the approved site plan not the allowed accessory structure (or Phase I) as a temporary means that was administratively approved through the appropriate process. That way, a notice of decision can be written to supplement the plan and property file.

Attorney Sean List, for Q, LLC represented the application and explained the accessory structure is a modular, self-contained shooting range which is constructed in a way that does not allow for drilling into it to retain its safety measures. Another fire protection solution has been devised. They ask for particular fire suppression notes relative to the approvals granted be clarified to relate only to the primary structure, not the accessory structure.

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

Public hearing opened

No one spoke

Public hearing closed.

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.

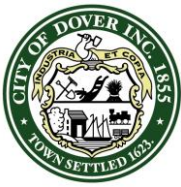
The Planning Department recommends the Planning Board make findings and vote to clarify the previous amendments and the requested decision that the 345 square foot temporary accessory building does not need to meet all the plan notes.

Motion: M. Gambino moved to grant the Site Plan Amendment request with the same conditions of approval as outlined in the original Notice of Decision, noting that the 345 s.f. temporary accessory building did not need the fire suppression system. Seconded by: E. Kaspari. Vote: U/A.

C. Consideration and acceptance of a Lot Line Adjustment for Andrew & Holly Smith and Laurie Anderson, Assessor's Map 17, Lots 131 & 132, zoned R-12, located at 11 & 13 Hawthorn Road. *(LOTA-2024-0001)

D. Benton explained that the applicants are requesting to revise the lot lines between 11 Hawthorn and 13 Hawthorn Road adding approximately 349 sf. from Lot 132 to Lot 131, leaving Lot 132 with 11,710 sf. and Lot 131 with 11,079 sf.

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



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Per variance granted November 16, 2023, both lots were approved for a reduction in minimum lot area in order to facilitate a lot line adjustment of shared property lines, where the zoning district requires a minimum of 12,000 sq. ft. The approved post-adjustment area of Lot 131 will be 11,079+/- sq. ft. and Lot 132 will be 11,710 +/- sq. ft., conditional upon the applicant submitting a Lot Line Adjustment Plan and necessary application materials to the City to be reviewed by this board.

Josh Lanzetta, Bruton & Berube represented the applicants and explained the proposal as well as the history of the item and the reason for the proposal.

Motion: M. Gambino 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 – Lot Line Adjustment:

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 Board make findings, and vote to approve the application with the following subsequent conditions:

Subsequent Conditions to Be Met Prior to Signing of Plans:

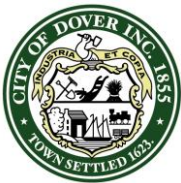
1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford County Registry of Deeds which additionally shall include:
 - a. Planning File Number #LOTA-2024-0001
 - b. The owner's signatures
 - c. The LLS stamp and signature

Motion: E. Kaspari moved to approve the Lot Line Adjustment with subsequent conditions set by staff. Seconded by: M. Gambino. Vote: U/A

D. Consideration and acceptance of a Lot Line Adjustment for DRVP, LLC, Assessor's Map 14, Lots 10- G-0, G-5, G-6, G-7, G-8, G-9, zoned R-12, located at Porch Light Drive, 16, 17, 15, 11, & 9 Porch Light Drive. *(LOTA-2024-0002)

D. Benton explained that the applicant is seeking to revise six (6) lot lines within the Porch Light Drive subdivision in order to cure encroachment issues on Map 14, Lots 10-G5, 10-G6, 10-G7, 10-G8, 10-G9, and 10-G (open space).

As a Lot Line Adjustment, this application did not appear before the TRC. The Zoning and TDR requirements are still met post adjustment.



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Christopher Berry, Berry Survey and Engineering represented the application and explained the request to revise the lot lines. All structures will be conforming.

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

Public hearing opened

No one spoke

Public hearing closed.

STAFF RECOMMENDATION – Lot Line Adjustment:

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 Board make findings, and vote to approve the application with the following subsequent conditions:

Subsequent Conditions to Be Met Prior to Signing of Plans:

1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford County Registry of Deeds which additionally shall include:
 - a. Planning File Number #LOTA-2024-0002
 - b. The owner's signatures
 - c. The LLS stamp and signature

Motion: M. Gambino moved to approve the Lot Line Adjustment with subsequent conditions set by staff. Seconded by: E. Kaspari. Vote: U/A

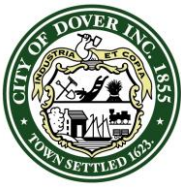
3. OLD BUSINESS

A. Discussion of Impact Fees.*

Motion: F. Cullen moved to remove the item from the table. Seconded by: E. Kaspari. Vote: U/A

D. Benton explained that impact fees were reviewed last year. Staff is still gaining a better understanding of the impacts of a new methodology and checking around the state but that it has been suggested in the meantime to potentially pause placing that as a condition of approval on upcoming projects for the time being to see if it helps with housing pricing and project timing.

Christopher Parker, Deputy City Manager explained the proposal highlighting vacancy rates and projects on hold not being constructed fast enough. He explained the proposal would keep the impact fee language in the approvals but allow for waiving of the fees if the project begins construction within six months of the plan signing and attainable housing is being constructed. The City hopes these cost savings will be an incentive to developers and they will then pass on the savings to the homeowner.



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He clarified fair market rental rates is the term that is already in the ordinance and can be used as criteria though the idea is for this change to apply to rentals and homes for sale.

He clarified the proposed timeline of six months noting the applicant has 90 days to sign the plan after date of approval, then the Planning Director has another 90 days to sign if needed. The six-month window would begin on the day the Planning Board Chair signs the plans.

Board members discussed and asked clarifying questions.

For projects already approved, a letter will be sent to those projects that qualify with attainable housing criteria informing them of the change and explaining the need to come back to the board for an amendment approval if they wish to take advantage of the new policy.

Budgeting regarding the fees was discussed along with what impact fees can and can't be used for.

Public hearing reopened

No one spoke

Public hearing closed.

The board further discussed and asked clarifying questions.

F. Cullen suggested also pausing the fees on ADUs.

Discussion occurred regarding pausing some of the fees and not others (school/fire/police/rec).

F. Cullen suggested, as there are members missing tonight and he would be more in favor of a moratorium on all impact fees rather than just a pause or just for attainable housing, that they think about it for a few weeks and come back to the item.

Board members gave opinions as to whether to pause fees on all housing, or just attainable housing. There was agreement to a 2-year trial period with much support for check in of the data at the one-year mark.

It was clarified that a moratorium would also include non-residential projects. Those fees go only to police and fire.

Motion: F. Cullen moved a two-year moratorium on all impact fees. Seconded by: J. Sanborn.

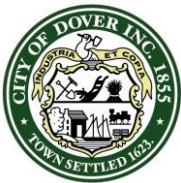
Discussion ensued regarding whether the motion should include the six-month start caveat.

Motion: E. Kaspari moved to table this item to the next meeting.

There was no second or vote.

K. Pimental suggested an amendment to include the six-month start window:

Motion with amendment: a two-year moratorium on all impact fees for projects started within six months of plans being signed. Staff will monitor progress and tracking.



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Board members reviewed various scenarios regarding timelines of proposals and how they would be handled around the two-year moratorium.

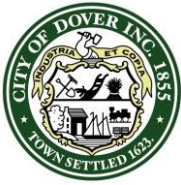
Motion: J. Sanborn moved to table this item to the next meeting. E. Kaspari seconded.

Vote: 5-2 with Cullen and Gambino opposed.

Prior to the next meeting, Planning staff will create a policy document for board review.

5. STAFF COMMENTS

- Locke St lot line restoration and proposal for shared driveway.
 - Board members had no questions or objections.
- Natural resource inventory and Open Space and Conservation Commission event next Thursday 2/22 to show the public maps and gain initial feedback.
- Proposed budget is being revealed tomorrow night by the City Manager. I'm happy to meet with any of you or any member of the public should anyone have any questions related to Planning Department's budget requests.
- TRCs since last meeting:
 - Conditional Use Permit for Public Service of New Hampshire, located at the Transmission line ROW - Cocheco Street to Penny Lane. (Proposal is a R169 utility transmission line structure replacement project creating 19,734 square feet of temporary impact to the Conservation District).
 - Conditional Use Permit for Public Service of New Hampshire, located at Transmission line ROW- McKone Lane to Eagan Drive (Proposal is a R169 utility transmission line structure replacement project creating 742 square feet of temporary wetland impact and 1,515 square feet of temporary impact to the Conservation District). (COND-2023-0064)
 - Conditional Use Permit for Public Service of New Hampshire, located at Transmission Line ROW- end of Falcon Drive to Back Road. (Proposal is a R169 utility transmission line structure replacement project creating 23,279 square feet of temporary wetland impact and 29,941 square feet of permanent impact to the wetland buffer). (COND-2023-0065)
 - Conditional Use Permit for Public Service of New Hampshire, located at Transmission Line ROW-245 Back Road to Cullen Bay Road (Proposal is a R169 utility transmission line structure replacement project creating 3,188 square feet of temporary wetland impact). (COND-2023-0066)
 - Conditional Use Permit for Public Service of New Hampshire, located at Transmission Line ROW- Cullen Bay Road to Cocheco River. (Proposal is a R169 utility transmission line structure replacement project creating 29,676 square feet of temporary wetland impact). (COND-2023-0067)
 - Site Plan for City of Dover, Inspection Services, Assessor's Map H, Lot 58, zoned IT, located at 271 Mast Road. (Proposal is to build 2,880 square foot building with parking and basement storage).



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- TRCs coming up:
 - Site Review for Future Automation. LLC (Owners: DIBIDA), Assessor's Map D, Lot 11-8, zoned IT, located at Quality Way. (Proposal is to construct a light manufacturing facility consisting of two buildings 24,000 s.f and 10,000 s.f, each with office space, and associated infrastructure.) (SITE-2024-0002)
- Student presentations- Friends Forever International

6. MEMBER COMMENTS

- F. Cullen
 - Dover Podcast episode is very relevant to the work we are doing- please listen
- Chair Cruikshank
 - signed plans for: 2 Grove St amendment, 333 Central amendment, Locust St. subdivision, and 297 Central subdivision.
 - Lot merger
- K. Pimental
 - Progress on Central/ Brick st projects moved fairly quickly once foundations went in
 - Pleased the board is taking measures to eliminate obstructions to development

7. ADJOURNMENT

Motion: E. Kaspari moved to adjourn at 8:34. Seconded by K. Mavrogeorge. Vote: U/A