



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, March 12, 2024**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Mark Speidel (Vice Chair), George DeBoer, Fergus Cullen (Councilor), Ken Mavrogeorge, Melina Gambino (Alternate) Tom Clark, Jeff Sanborn (Alternate)

Members Not Present (excused): Kyle Pimental, Jon Elliard, Erinn Kaspari

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 Jeff Sanborn would sit for E. Kaspari, and Melina Gambino would sit for J. Elliard. She explained the citizens' forum process.

1. CITIZENS' FORUM

Citizens Forum Open

No one spoke

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- February 27, 2024 Regular Meeting Minutes

Motion F. Cullen moved to approve the regular meeting minutes of February 27, 2024 as submitted.

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

3. OLD BUSINESS

A. Discussion of Impact Fees Policy Change.

Item not heard.

4. NEW BUSINESS

A. Consideration and acceptance of an Extension Request for a conditionally approved Subdivision for 59 Tolend Rd, LLC, Assessor's Map E, Lot 65-1, zoned R-20, located at Tolend Rd. (Proposal is for the Planning Board to extend the period of time for conditions to be met prior to plan signing). *(WAIV-2024-0002)

D. Benton explained that the Board previously approved the applicant's major subdivision proposal and two Conditional Use Permits for the creation of a 27-lot subdivision with two open space areas.

Chapter 153 allows the Planning Director to extend the 90 days that is typically required for the applicant to submit revised plans and meet the conditions of approval that the Board sets when conditionally approving requests. Any further extension request must be granted by the Planning Board.

The applicant is now seeking its first request for additional time to meet the conditions of approval as set forth in the Board's August 23, 2023 Notice of Decision. The applicant is actively working with NH State officials and the Engineering Dept. to finalize leach field approvals.

Kevin Poulin, Berry Survey and Engineering represented the application and noted they have received Alteration of Terrain and Shore Land permits. The Wetlands permit has been submitted.

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



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Public hearing opened

Jason Miller, 94 Tolend Rd asked questions about and expressed concerns about traffic, changing where Tolend and Columbus meet and possibly adding a traffic light, open space, and restrictions for recreation areas within the plan.

Public hearing closed.

D. Benton clarified that this project is already conditionally approved, and the applicant is working on completing the conditions. This is a request to extend the timeframe to complete the conditions, not a request to re-approve the plan. A traffic study was done at the original time of application. Recreation amenities are being included as part of the development.

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 certain conditions of approval require acceptance from state entities, often which takes significant time for review and approval outside of the Applicant's control, staff therefore recommends the Board grant the extension to May 20, 2024 with the same conditions of approval as outlined in the original Notice of Decision.

Motion: T. Clark moved to grant the extension request to May 20, 2024 with staff recommended conditions. Seconded by: G. DeBoer. Vote: U/A

The Vice Chair announced Items 4 B, C, D, E, & F would be heard together.

- B. Consideration and acceptance of a Conditional Use Permit for Public Service of New Hampshire, Assessor's Map 24, Lot 133, Map N, Lots 23, 22C-8, and Map K, Lots 4-C and 2, zoned CWD, R-12, located at the Transmission line ROW - Cocheco St to Penny Ln (Proposal is a R169 utility transmission line structure replacement project creating 19,734 s.f. of temporary impact to the Conservation District). *(COND-2023-0063)
- C. Consideration and acceptance of a Conditional Use Permit for Public Service of New Hampshire, Assessor's Map K, Lots 1-A-0, 1-A-1, 1-B-0, Map N, Lots 18-1, 18-OP1, 18-6, and 19-5, zoned R-40, located at Transmission line ROW- McKone Ln to Eagan Dr (Proposal is a R169 utility transmission line structure replacement project creating 742 s.f. of temporary wetland impact and 1,515 s.f. of temporary impact to the Conservation District). *(COND-2023-0064)
- D. Consideration and acceptance of a Conditional Use Permit for Public Service of New Hampshire, Assessor's Map N, Lots 19-A, 19-B, 19-C, Map K, Lots 6-C, 6-E, Map M, Lots 3, 3-A, 3-B, zoned R-40, located at Transmission Line ROW- end of Falcon Dr to Back Rd. (Proposal is a R169 utility transmission line structure replacement project creating 23,279 s.f. of temporary wetland impact and 29,941 s.f. of permanent impact to the wetland buffer). *(COND-2023-0065)
- E. Consideration and acceptance of a Conditional Use Permit for Public Service of New Hampshire, Assessor's Map M, Lots 105, 105-1, 105-2, 100-A, 92-B, 93-B, zoned R-40, located at Transmission Line ROW-245 Back Rd to Cullen Bay Rd (Proposal is a R169 utility transmission line structure replacement project creating 3,188 s.f. of temporary wetland impact). *(COND-2023-0066)
- F. Consideration and acceptance of a Conditional Use Permit for Public Service of New Hampshire, Assessor's Map M, Lots 91-C, 92-A, 92-H, 104, zoned R-40, located at Transmission Line ROW- Cullen Bay Road to Cocheco River. (Proposal is a R169 utility transmission line structure replacement project creating 29,676 s.f. of temporary wetland impact). *(COND-2023-0067)



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D. Benton explained that Eversource is proposing to replace four structures (19, 20, 21, and 22) along their existing R169 transmission line ROW in Dover. This segment of the ROW traverses a low-density residential pasture and a large, forested area south of Back Road. The old wooden structures require replacement due to age, cracking, leaning, and/or other damage. The existing structures will be replaced with new weathering steel structures to provide a more reliable electrical infrastructure.

Matt Cardin, project manager with Eversource represented the application and explained the project overview and proposal to replace the poles requested with steel poles. He explained the replacement process, use of easements and temporary impacts. The timeline of work will be April through June for pole replacement and September for wire replacement done mostly by helicopter.

Jessica Hunt, Stantec is representing Eversource licensing and permitting and wetland components of the project. She explained the impacts and the status of the state permits.

M. Speidel asked for further explanation on the impacts mentioned in item D. It was explained that those are due to the work pads that are put in around each new pole. They are gravel and will be reduced from what is shown on the map as much as possible once they are working on site. These gravel areas support the work trucks, cranes, etc. needed to get the poles switched out. In some cases where matting and gravel are shown, the contractor will often just mat the whole pad in which case, the impact will be temporary. Discussion ensued with further details.

Motion: M. Speidel moved to accept the applications and declared no regional impact. Seconded by: T. Clark. Vote: U/A

Public hearing opened

Craig Williams, 154 Middle Rd, abutter noted last time they dropped all of the trees in the ROW but went beyond the ROW and left all of the trees around. He has met with public service, and they agreed to mark the ROW boundaries, but it hasn't been done yet. He described some arrangements he made with the applicant for accessing his property. He would prefer to get some of the birch trees that grow in the ROW transplanted, but they keep getting cut down.

Bonny Pope, 9 Gerrys Lane gave background about her credentials and spoke about vegetation, the poles that were previously replaced were done with care and this time they have crossed at a point to avoid the wetlands. She is in favor of the progress this project will maintain. Her main concern is restoration and asks the board to have the applicant be clear on their restoration plans and what impacts will be temporary or permanent and to use the correct materials for proper restoration.

Jane Ducas, 18 Isaac Lucas Cir is confused about how she is an abutter to this project and what the wetlands impacts will be for her.

Emails were also received from Bonny Pope and Craig Williams which were given to the board members in advance.

The applicant addressed public comments:

- Access points are off of roadways unless agreements are made with land owners
- They discussed an access point with Mr. Williams, but that area had not been surveyed and there appear to be wetlands there. The request was to gravel the access path, but Eversource does not feel comfortable doing that with wetlands in the area.



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- Trees were cleared last week in the area of Ms. Pope's property and the large logs were left for now to prevent creating ruts. They will be removed when they come back with the work pads.
- Ruts haven't been dealt with yet because they are coming back to do the work, but they will be cleared up when the work is complete.
- He noted the property owners maintain these areas better than the company does and they understand and appreciate the work the property owners do. The ROWs will be restored, and they are open to input for what type of seed to use etc.
- Isaac Lucas Circle: there is an access road off Middle Rd and they will be using that access road to get to this project. That might be why they were notified as an abutter

Board comments:

Staff can go out and check the erosion control measures are being carried out and conditions of restoration are completed.

J. Hunt gave additional information about the procedures that will be followed.

M. Cardin addressed a question about the easement with birch trees on it and what the plans are this time.

Public hearing closed.

STAFF RECOMMENDATION- CUPs:

The Conservation District ordinance §170.27.C provides for Conditional Use Permits to allow impacts to the Conservation District if standards related to demonstration that the use is essential to the productive use of land, a soil erosion and sedimentation control plan is submitted, state and federal approvals have been applied for, and a written review by the Conservation Commission has been sought.

The Wetlands protection District ordinance §170.27.1-F provides for Conditional Use Permits to allow impacts to the Wetlands Protection District if standards related to demonstration that no practicable alternative is available, avoidance, minimization, mitigation has been sought and approval of the wetlands impact from NHDES Wetlands Bureau has been granted.

Planning Staff feels that the applicant considered the criteria and has made sufficient efforts to minimize the project's impact and the difficulty to avoid the wetlands and conservation district areas. In addition, the applicant has taken appropriate measures to mitigate any impacts and has plans in place to restore any areas of disturbance.

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

Subsequent Conditions to Be Met Prior to Issuance of Conditional Use Permits:

1. Provide copies of NHDES permits and USACE approvals.

Board members discussed whether additional conditions are necessary regarding restoration and revegetation fees but decided against it.

Motion: F. Cullen moved to approve the Conditional Use Permits with subsequent conditions set by staff.

Seconded by: T. Clark. Vote: U/A

The Vice Chair announced Items 4 G & H would be heard together.



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- G. Consideration and possible vote on posting the proposed Amendments regarding the making of the Technical Review Committee, Chapter 153-6 (Site Plan Regulations). The full text of the amendments is available in the Planning Department & at City of Dover, NH - Official Website located under meeting materials and on the Planning Department page*.
- H. Consideration and possible vote on posting the proposed Amendments regarding the Technical Review Committee definition, Chapter 157-60 (Subdivision Regulations). The full text of the amendments is available in the Planning Department & at City of Dover, NH - Official Website located under meeting materials and on the Planning Department page*.

D. Benton explained the reason for the proposed amendments, procedures and next steps, and itemized each proposed change for the board.

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

Public hearing opened.

No one spoke

Public hearing closed.

Motion: M. Speidel moved to post the proposed Amendments as presented. Seconded by: M. Gambino.
Vote: U/A

5. STAFF COMMENTS

- D. Benton noted Recreation Director Gary Bannon announced his retirement. She thanked him for all his work and positive impact and passion to help Dover be the community it is.
- The Office of Planning and Development is holding their annual virtual conference in May. If anyone is interested in attending, let staff know.
- Next meeting is April 9 due to lack of applications for the March 26th meeting.
- TRCs since last meeting:
 - Site Review for Stonefield Engineering & Design (Owners: Dover Retail Management, LLC & R W Realty Inc.), Assessor's Map 38, Lots 15-A and 15-B 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, (20) twenty parking spaces. One (1) related Conditional Use Permit application would also appear before the Planning Board. (SITE-2023-0011 & COND-2023-0054) *[This item was previously heard by the Planning Technical Review Committee on August 31, 2023 and November 2, 2023]*
- TRCs coming up:
 - Site Plan Amendment for Dover Housing Authority, Assessor's Map 33, Lot 1-A, zoned RM-U, located at 48 Whittier Street. (Proposal is for the building to be extended 8' towards Whittier Street and two (2) Additional TDR units being requested along with other adjustments to the architecture). (WAIV-2024-0003)
 - 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) *[This item was previous heard by the Planning Board Technical Review Committee on February 15, 2024.]*



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6. MEMBER COMMENTS

- T. Clark
 - Asked for authorization for the Planning Director to get the room clock fixed. Everyone was in agreement
- J. Sanborn
 - New York Times article on housing
- G. DeBoer
 - Washington Post article on housing
- M. Gambino
 - Olive Meadow Ln project update given by D. Benton. Parcel seems to be transferring to different ownership, so no project proposal currently exists.

7. ADJOURNMENT

Motion: M. Spidel moved to adjourn at 8:17 pm Seconded by G. DeBoer. Vote: U/A