



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, May 9, 2023**
Meeting Time: **7:00 pm**

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

Members Not Present (excused): Erinn Kaspari

Members Not Present (un-excused): None

Staff Present: Jackson Kaspari, Resilience Manager and Natasha Kypfer Zoning Administrator/Assistant City Planner

G. Cruikshank called the meeting to order at 7p.m. and noted that J. Elliard will sit for E. Kaspari and G. DeBoer will sit for the vacant seat.

1. CITIZENS' FORUM

Citizens Forum Open

No one spoke

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- April 25, 2023 Regular Meeting Minutes

Motion: T. Clark moved to approve April 25, 2023 Regular Meeting Minutes. Seconded by: J. Elliard Vote: U/A with K. Pimental abstaining.

3. OLD BUSINESS

4. NEW BUSINESS

- A. Public Hearing and consideration of a request for an excavation permit by Owner: Stephen M. Brox Revocable Indenture of Trust (Applicant: Brox Industries, Inc.), Assessor's Map C, Lots 12-A, 13 & 14, zoned R-40, located on Glen Hill Road, Rochester Neck Road/Tolend Road. *(P23-01)

J. Kaspari explained that the applicant is requesting to continue to excavate materials from their long standing gravel pit on Rochester Neck and Tolend Roads. The Applicant has submitted excavation and reclamation plans for each of its three lots in Dover, along with an application for an excavation permit. This constitutes a renewal of the permit approved May 11, 2021 (a biennial process)

Erik Stevenson of Brox Industries represented the application. He noted they come every two years with updated plans. He clarified for the board they've been operating there since the 1980's and there should be materials enough for 50+ more years.

Motion: M. Speidel moved to accept the application and declare no regional impact. Seconded by: H. Harmon. Vote: U/A

Public hearing opened

None

Public hearing closed

STAFF RECOMMENDATION:

Chapter 170-29 of the Zoning Ordinance of the City Code governs the excavation of earth in the City of Dover pursuant to the authority granted by NH RSA 155-E, and requires that earth excavations obtain a permit, which is valid for two years.



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The Planning Department recommends that the Planning Board approve the Excavation Permit with the following subsequent conditions:

1. Confirmation from the City's Environmental Projects Manager that existing conditions are consistent with excavation plan.
2. Add a plan note stating: "The City will continue to review the SPCC and pit operation plans to ensure that they are consistent with most current ordinances and approved Source Water Protection Plans and work with the facility owners to revise if necessary."

Motion: T. Clark moved to approve the Excavation Permit, with Subsequent Conditions, as it is consistent with the regulations. Seconded by G. DeBoer.

B. Public Hearing and consideration of a request for an excavation permit by Branch Brook Holdings, LLC, Assessor's Map H, Lots 59, 60, 60A, 61 & 62, zoned IT, located on Mast Road. *(P23-02)

J. Kaspari explained that the applicant is requesting to continue to excavate materials from their long standing gravel pit on Mast Road. The subject property is located on Mast Road between Community Services/City-owned land, the Town of Madbury, and the Bellamy River. The Applicant has submitted excavation and reclamation plans for its lots along with an application for an excavation permit. This constitutes a renewal of the permit approved last approved May 21 2023 (a biennial process).

Please note that the concrete batch plant currently operated by Redimix on Map H, Lot 59 has existed in that location since 1950, does not obtain its materials from this excavation site, and cannot be considered under the Planning Board's review of an excavation permit renewal.

Furthermore, the Board should note, that in years past staff has recommended that the applicant add a notes about storage of foreign materials on the site, the hours of operations and the need to schedule regular access roadway water wash downs. These notes are all on the plan, so no conditions of approval to add them are needed.

Kevin McEneaney of McEneaney Survey Assoc. represented the application. He clarified the locations in question and noted it's been an active gravel pit since the 1950's and expect another five years of materials.

Ron Severino, owner addressed the question about managing the dust due to the drought conditions over the past years. There are no specific plans for the property when the materials will be depleted.

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

Public hearing opened

None

Public hearing closed

STAFF RECOMMENDATION:

Chapter 170-29 of the Zoning Ordinance of the City Code governs the excavation of earth in the City of Dover pursuant to the authority granted by NH RSA 155-E, and requires that earth excavations obtain a permit, which is valid for two years.



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2. Add a plan note stating: "The City will continue to review the SPCC and pit operation plans to ensure that they are consistent with most current ordinances and approved Source Water Protection Plans and work with the facility owners to revise if necessary."

Motion: T. Clark moved to approve the Excavation Permit, with Subsequent Conditions, as it is consistent with the regulations. Seconded by M. Speidel.

- C. Consideration and acceptance of a Conditional Use Permit for Altus Engineering (Owner: Tina Sawtelle), Assessor's Map B, Lot 1-C, zoned R-40, located at 476 Sixth Street. (Proposal is to construct a building addition in a previously developed area creating 773 square feet of overlapped impact to the Conservation District and wetland buffer. *(COND-2023-0035

J. Kaspari explained that the applicant is requesting a Conditional Use Permit to renovate their existing garage, add on to their residence. The renovations with associated disturbance and grading to do so causes 773 square feet of both Conservation District and wetland buffer impact. The Conservation Commission endorsed this application at their April 10, 2023 meeting. The applicant provided a narrative dated April 4 which outlines how the proposal meets the criteria for granting the CUP per 170-27.1.F of the Code.

Erik Saari of Altus Engineering represented the application. He described the proposed project and the impacts to the wetland and buffer.

Motion: M. Speidel moved to accept the application and declare no regional impact. Seconded by: J. Elliard.
Vote: U/A

Public hearing opened

Shane McCarthy, 470 Sixth St, asked if City sewer will be extended to the property, or if current existing septic will be used.

Public hearing closed

Mr. Saari addressed public comment:

- There is an existing septic which is in working order, but will need to be updated after the project as it will not be large enough to meet standards. That work will not impact the wetlands.

STAFF RECOMMENDATION:

The Wetlands Protection 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 considered the criteria of practical alternative, avoidance, minimization, and mitigation and propose to create minimal wetland/wetland buffer disturbance on the site.



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The Planning Department recommends the Planning Board accept the application, open the public hearing, make findings and vote to approve the Conditional Use Permit with the following subsequent condition:

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

1. The owner shall sign the final plans before Planning Board signature.

Motion: G. DeBoer moved to approve the Conditional Use Permit with subsequent conditions, as it is consistent with the regulations. Seconded by J. Elliard. Vote: U/A

D. Consideration and acceptance of a Lot Line Adjustment for Northam Survey, LLC (Owners: Paul & Alice Gasses Co-Trustees of Gasses Farm Revocable Trust of 2009 & Portsmouth Christian Academy), Assessor's Map J, Lots 1 & 1-C, zoned R-40, located at 120 Garrison Road & 20 Seaborne Drive.
*(LOTA-2023-0003)

J. Kaspari explained that the applicants are requesting to complete a lot line adjustment between two lots with $12.7353 \pm$ ac. from Lot J-1 to Lot J-1-C, leaving Lot J-1 with $20.8055 \pm$ ac. and Lot J-1-C with $60.4119 \pm$ ac. Both lots will continue to meet the zoning dimensional requirements post adjustment. As a Lot Line Adjustment, this application did not appear before the TRC.

Eric Salovitch, of Northam Survey represented the application and explained the proposed lot line adjustment. The applicant has no issues with the conditions.

Public hearing opened

None

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 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-2023-0003
 - b. The owner's signatures
 - c. The LLS stamp and signature
 - d. Add Common Note #9, listing the previous variance granted by the ZBA.
- Confirm and label arc length along traffic circle which previous subdivision indicates is 150'.

Motion: M. Speidel moved to approve the Lot Line Adjustment with subsequent conditions, as it is consistent with the regulations. Seconded by G. DeBoer. Vote: U/A



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5. STAFF COMMENTS

- TRCs since last meeting:
 - a.* Another TRC for the Open Space Subdivision for Chinburg Development, LLC, located at Oak Street & Gulf Road. (11 new lots.)
 - b.* *Another TRC for the* Site Review for VC Dover Investment, LLC, located at 30 Grapevine Drive. (Proposal is to build a new 15,040 sf (footprint), 4 story mixed use building next to the Hannaford's Grocery Store on Grapevine Drive.)
- TRCs coming up:
 - a.* Open Space Subdivision for Stonearch Development Corp. & Eugene A. and Donna L Sgrignuoli, Assessor's Map E, Lot 65-1 & 65-A, zoned R-12, located between 53 & 65 Tolend Road and 22 Sun Hawk Lane. (Proposal is for a 27 lot subdivision with 2 open space areas) (SUBD-2023-0005).
 - b.* Another TRC for a Site Review for Brady Sullivan Properties, located at 25-26 Karolina Drive. (Proposal is to add a 4,600 s.f. building with outdoor patio, walkways, and parking restriping to add ADA spaces.) (SITE-2023-0001).
 - c.* Site Review for Norman Kotoch, NAK Management & Consulting, LLC, agent (Owners: MHC 155 (Dover NH) LLC), located at 56 Sixth Street. (Proposal is to construct a 37,930 s.f. two story climate-controlled self-storage facility, where a 59,450 s.f. four-story storage building previously existed).
- The Vision Chapter Update is wrapping up the public comment period and the consultant is finalizing their draft chapter for the Planning Board to review and possibly adopt in May.

6. MEMBER COMMENTS

- The Chair signed the following documents:
 - Lot line adjustment on Silver St Ext.
 - CUP on Boston Harbor Rd
- The Chair read and signed Site Plan and Lot merger form from 42-44 Third St
- The Chair noted F. Torr has decided not to seek reappointment to the board following his term's expiration this past April. She read a letter he submitted and publicly thanked him for all of his outstanding service on many boards over the past 25 years.

7. ADJOURNMENT

Motion: M. Speidel moved to adjourn at 7:34pm. Seconded by G. DeBoer. Vote: U/A