

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, April 26, 2022**
Meeting Time: **7:00 pm**

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

Members Not Present (excused): Erinn Kaspari (Alternate)

Members Not Present (un-excused): None

Staff Present: Donna Benton, Director of Planning and Community Development and Mike Asciola, City Planner

G. Cruikshank called the meeting to order at 7:00 p.m. and noted Stephanie George would sit in for the vacant regular member seat tonight and noted that Items 4A & 4B will be continued again tonight.

1. CITIZENS' FORUM

Citizens Forum Open

No one spoke

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

April 12, 2022 Regular Meeting Minutes

Motion: F. Torr moved to approve the minutes as submitted. Seconded by T. Clark. Vote: U/A

3. OLD BUSINESS

A. Public hearing and possible vote of amendments to Chapter 153, entitled "Site Review Regulations" of the code of the City of Dover. Amendments include amount of copies needed for TRC, abutter notices, and clarifying authority of the TRC. *

B. Public hearing and possible vote of amendments to Chapter 157, entitled "Land Subdivision Regulations" of the code of the City of Dover. Amendments include abutter notices and associated fees.*

D. Benton explained this is hopefully the final public hearing for the site review and subdivision regulation amendments. Staff is hoping the Board votes to adopt tonight.

Motion: F. Torr moved to remove the public hearing from the table. Seconded by M. Speidel. Vote: U/A

Public hearing opened.

No one spoke.

Public hearing closed.

Motion: T. Clark moved to adopt the Site Review Regulation amendments 153. Seconded by M. Speidel. Vote: U/A

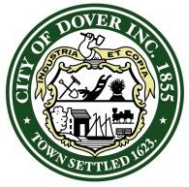
Motion: T. Clark moved to adopt the Subdivision Regulation amendments 157. Seconded by K. Mavrogeorge. Vote: U/A

4. NEW BUSINESS

A. Consideration and acceptance of a Minor Subdivision for Canney Brook Engineering and Consulting, CBF2 LLC., (Owners: Canney Brook Engineering and Consulting, CBF2 LLC. and Helen F. Preston Revocable Trust of 2009), Assessor's Map K, Lot 6, zoned R-40, located at 105 Middle Road and Back Road. (2 new lots) *(P22-09)

K. Mavrogeorge and F. Torr recused themselves.

D. Benton explained that the applicant is not here tonight as staff is requesting the Board vote to continue this item to May 24, 2022 agenda to allow time to verify some right of way discrepancies. The



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City is looking into doing our own peer review on the city's expense and we would provide an update on May 24, 2022. Abutter notices would not be re-sent.

Motion F. Cullen moved to continue the item to May 24, 2022. Seconded by T. Clark. Vote: U/A with Torr and Mavrogeorge recused.

- B. Consideration and acceptance of a Conditional Use Permit for Colin Robinson, NB+C agent of Crown Castle for Dish Wireless, (Owner: Andrew James, A/K/A Vertical Realty Properties Co), Assessor's Map 28, Lot 32, zoned H, located at 10/15 Abbey Sawyer Memorial Drive. (Proposal is to install antennas, ancillary tower and ground equipment at wireless facility with no change to structure height or ground space.)*(P22-26)

D. Benton explained that signatures from the tower lessor and land owner are still missing and therefore suggesting the Board continue to May 10, 2022.

Motion M. Speidel moved to continue the item to May 10, 2022. Seconded by H. Harmon. Vote: U/A

- C. Consideration and acceptance of a Conditional Use Permit for Michael C. & Sandra J. McDonough, Assessor's Map 7, Lot 13A, zoned R-20, located at 29 Boston Harbor Road. (Proposal is to replace the existing residential structure, reconfigure use of pervious driveway, grading and associated landscape improvements, creating 2,267 s.f. of permanent impact and 1,064 s.f. of temporary impact to the conservation district). *(P22-22)

D. Benton explained the applicant is looking to replace their residential structure, reconfigure their driveway, and other improvements resulting in 2,267 s.f. of permanent impact and 1,064 s.f. of temporary impact to the conservation district as this is within 100' of the Piscataqua River. The Conservation Commission endorsed this application on April 11, 2022. The applicant has provided a pdf with the conditions of approval being met but staff is still proposing them until we receive the hard copy plans.

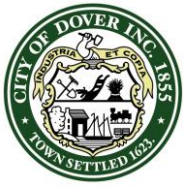
Steve Riker, Ambit Engineering, Inc. represented the application. The applicants propose to tear down their existing 100 year old home and build a modern home. They also propose to reconfigure the driveway to accommodate a garage and a few vehicles. Other changes include relocating a shed, removing a crushed stone area to become grass and utility connections. He showed and described the plans for the project which are in the packet. The project will result in a reduction of impervious surfaces.

K. Pimental inquired about the flood risk to ensure the design of the new home will be resilient. Mr. Riker agreed with him and will revise his document and resubmit to DES. K. Pimental suggested the home owners consider the storm surge scenarios to incorporate that into the risk.

T. Clark asked if a smaller new home was considered in order to reduce the impact. This proposal doubles the square footage.

M. McDonough, owner, confirmed the home will be built on a raised slab with no basement for flood safety. The size of the new home will be 3 bedrooms and 1700 sq ft of finished space. The garage will be rather small as well. It will be larger than the current home, but smaller than most in the neighborhood.

Mr. Riker explained for M. Speidel the impervious surface coverage.



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Motion: F. Torr moved to accept and declare no regional impact. Seconded by T. Clark. Vote: U/A

Public hearing opened.

No one spoke

Public Hearing closed.

William and Cassandra Miller, 27 Boston Harbor Rd sent an email with concerns about the proposed hot tub, which had already been removed from the plans.

STAFF RECOMMENDATION:

The Conservation District ordinances provide 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 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.

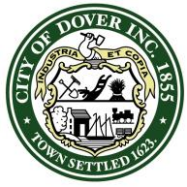
Staff feels that the applicant considered the criteria and located the replacement structure as upland as possible as close to the City's sewer easement as allowed. Porous pavers and pavement is proposed reducing the amount of impervious surface on the site currently. A soil and erosion control plan has been submitted, state and federal approvals have been applied for. Applicant proposes to retain all existing trees within the Conservation District.

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board to approve the Conditional Use Permit with the following conditions, as the plans meet the standards outlined:

1. Copies of the NHDES Wetlands Permit and NHDES Shoreland Permit be submitted to the Planning Department and added to the plan set coversheet;
2. The applicant relocate the existing 120 gallon propane tank outside of the City's sewer easement;
3. Any rooftop drainage system to meet the City's stormwater management regulations; and
4. Revise plans to add:
 - a. note for zoning requirements (common note 8); and
 - b. Planning file number P22-22.
 - c. Revise coastal vulnerability assessment from high to medium tolerance

Motion K. Pimental moved to approve Conditional Use Permit with the recommended conditions. Seconded by H. Harmon. Vote: U/A



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D. Consideration and acceptance of a proposed yield plan requiring a road length waiver for Chinburg Properties, (Owners: Dahn H. & Norma M. Tibbett and Jahn H. & Susan G. Janetos), Assessor's Map N, Lot 13-1, zoned R-40, located at Oak Street. (12 new lots) *(P22-21)

D. Benton explained the application before the Board is for a waiver request to allow a less than 500' cul-de-sac on a yield plan. Yield plans need to meet City regulations in order to provide for a density calculation for a total unit count for a required Open Space Subdivision. Should the Board approve the waiver tonight, full TRC and Planning Board review for the major subdivision would still be required including additional abutter notices.

S. Haight, CivilWorks NE represented the application noting the waiver is for the length of the proposed cul-de-sac which is proposed at 400' and is required 500'.

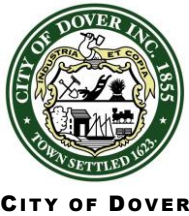
Mr. Haight clarified for T. Clark that the length of the road does not affect the number of lots. It would be the same either way.

Mr. Haight clarified for M. Speidel that they will upgrade the class 6 roadway to the point where the next road starts. He also clarified that access for snow shoeing etc would still continue to the open space.

Motion F. Torr moved to accept and noted no regional impact. Seconded by M. Speidel. Vote: U/A
Public hearing opened.

- Jeff Andress, 2A Country Club Estates is concerned about the 12th lot. He mentioned fire access roads and what is and is not shown on the plan with regard to a 12th lot.
- Mike Day, 104 Gulf Rd is concerned about traffic, fire access and wetlands as the open space areas.
- Kelly Dalke, 70 Elmwood is concerned about traffic and narrow roads, the length of the proposed road and the number of driveways. Access to open space and trails is one of the benefits of the area, but the remaining open areas would be too wet to enjoy.
- Jean Clark, 21 Elmwood sent some photos of her current view of the land. She has submitted a petition against the proposal. She wants the City to maintain agricultural land, rather than develop so much. She gave many suggestions regarding the development of the land if development moves forward.
- Jahn Janetos, owner of the land in discussion, feels this proposal is the best use of this land at this time. He discussed the wet area. The wetlands and floodplain will be preserved. He is in favor of the granting of the waiver and future plan for development.
- Ann Day, 104 Gulf Rd is concerned about traffic and the wet lands being not appropriate as open space. She spoke that her relative's desire was that the land remain open, and she hopes for that result as well.
- George Heilshorn sent an email which was read to the board by D. Benton. He is in opposition to the proposal

Public Hearing closed.



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S. Haight responded to public comment noting most concerns will be addressed at TRC and Planning board stages for the proposed project.

K. Pimental asked what the 500' road standard is for. S. Haight could not answer- he is unsure why it is in the ordinance. D. Benton noted it gives some regulation to cul-de-sacs. It also relates to the length of fire trucks and hoses.

D. Benton addressed public comment:

- It's up to the property owner how they use their land, as long as they follow regulations
 - The open lands committee reviews potential conservation areas- but this lot is not City-owned, so the owner would have to be in conversation with the committee
- The TRC process will address:
 - Run off and storm water
 - Traffic studies
- HOA documents will be required for the subdivision
- 50% uplands is required for open space requirements

STAFF RECOMMENDATION:

Section 157-51 of the Subdivision 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."

Staff believe criterion (1) has been as the topography of the lot dictates the need for an alternative length of the cul-de-sac design and that the proposed design will have less disruption to the natural environment than that of a longer roadway design.

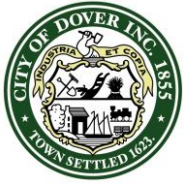
The Planning Department recommends the Planning vote to approve the waiver to allow a yield plan with less than 500' cul-de-sac. A full TRC and Planning Board review of the major subdivision is still required.

T. Clark confirmed with S. Haight that whether the waiver is granted or not, the applicant will come back with a proposed plan for 12 lots. That plan will be reviewed by TRC and the Planning Board before it is approved. The concerns that were mentioned tonight will be discussed and clarified during that process.

Motion: T. Clark moved to grant the waiver. Seconded by F. Torr. Vote: U/A

5. STAFF COMMENTS

- TRC's held: 71 & 73 Rutland (8 units), Dover Skatepark, 3 Outdoor dining applications in public parking spaces
- TRC's coming up: 55 units at Cielo tomorrow, 2 waterfronts on 5/5/22, and 36 & 38 New Rochester Road for 6 new units, and Bluebird Self-storage on May 12.
- The Office of Planning and Development is holding a conference this Saturday and next Saturday.
- Congratulated Kyle and Megan on their upcoming wedding next week.



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6. MEMBER COMMENTS

- Announced the resignation of Jackie Walker (Alternate)
- The Chair signed plans for the 193 Blackwater LLA
- F. Torr congratulated D. Benton on a recent news article and how she is an example for encouraging folks to be in public office work.
- F. Torr mentioned an article regarding use of manufactured homes/ tiny homes

7. ADJOURNMENT

Motion: F. Torr moved to adjourn at 8:05pm. Seconded by M. Speidel. Vote: U/A