



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, May 28, 2024**
Meeting Time: **7:00 pm**

****Due to technical issue, first ~6 minutes are not audio recorded****

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

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

Members Not Present (un-excused): None

Staff Present: Donna Benton, Director of Planning and Community Development

G. Cruikshank (Chair), called the meeting to order at 7 p.m and noted that Jeff Sanborn would sit for Kyle Pimental and Melina Gambino for Jon Elliard.

The audio of this meeting was unavailable for the first 3-4 minutes.

1. CITIZENS' FORUM

Citizens Forum Open

No one spoke

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- May 14, 2024 Regular Meeting Minutes

Motion E. Kaspari moved to approve the regular meeting minutes of May 14, 2024 as submitted. Seconded by: F. Cullen. Vote: U/A

3. OLD BUSINESS

4. NEW BUSINESS

- A. Consideration and acceptance of a Lot Line Adjustment for Jaffe Family Revocable Trust and Michael & Shelby Brewer, Assessor's Map 32, Lots 36-D & 36-F, zoned R-12, located at 73 & 77 Fourth Street. *(LOTA-2024-0005)

D. Benton that the applicant is submitting a proposed lot line revision to revise the line between their parcel, 77 Fourth St., and their neighbor's parcel, 73 Fourth St., Map 32, Lots 36F & 36D, with the intent of increasing the 77 Fourth St. parcel by approximately 2,728 sf. Each lot's frontage and compliance with the underlying R-12 zoning regulations will remain the same.

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

Steve Haight, Civil Works NE and McEneaney Survey represented the application.

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

Public hearing opened.

No one spoke

Public hearing closed.



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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-2024-0005
 - b. The owner's signatures
 - c. The LLS stamp and signature

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

- B. Consideration and acceptance of a Transfer of Development Rights for Tritech Engineering (Owners: Stonearch Development, LLC), Assessor's Map F, Lot 3, zoned R-40, located at 210 Tolend Road. (Proposal requests to purchase 33 TDR units (10 "unrestricted" & 23 "restricted size units"). A site plan for a current proposal of 53 units would need further review and a future Planning Board vote). *(TRAN-2024-0003)

D. Benton explained that the applicant is requesting the purchase of thirty-three (33) residential units by acquiring Transfer of Development Rights (TDR). Ten (10) of these units would not be restricted in size or rental rates and the other twenty-three (23) units would be restricted in size to no larger than 1,400 square feet (not including the rent-restricted ADUs). The applicant is also proposing 23 ADUs which would be rent restricted to the HUD Fair Market rate.

A full site plan review would still be required by the Planning Board and Technical Review Committee. The Zoning Ordinance allows for a sketch plan to be provided to staff and the Planning Board to discuss the TDR request and willingness to waive lot size and frontage requirements and may consider a maximum allowed. This can also be an opportunity for the Planning Board to give feedback to the applicant and for abutters to be notified of the proposed project before it goes too far down the planning process.

Per Chapter 170-27.2 E.(4)a, Planning staff provided a written report on May 23, 2024 explaining the need for additional information before the Planning Board make a decision on the sketch plan.

As the ordinance does not define what makes a complete sketch plan or a complete TDR application, staff believes the Planning Board may review the sketch plan, yet may also ask for additional information either before making a decision on the TDR request or as a condition of the TDR approval.

Staff understands the need of housing, especially attainable housing, and a mix of housing unit types but also values the rural nature of the R-40 district and the purpose of the TDR ordinance. A balance is needed here and the applicant needs to provide testimony on how it meets the intent of the R-40 district, the neighborhood context, and the Transfer of Development Rights Ordinance as currently designed.



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Robert Baldwin and Bob Stowell represented the item.

Mr. Baldwin explained the parcel is 56 acres with 15 acres of wetland. They looked at potential designs with options including 30 units which would be very expensive to buy. The best way to keep costs down is through density which requires the TDR approval. Since they were looking for TDR units they wanted to provide affordable housing as part of it. The design goals are:

- Meet the open space regulations
- Provide housing at varying levels of affordability
 - Affordable units at 2,500 and 1,400 sq ft
 - The ADUs at Fair market rents
 - Minimal impact to the neighborhood aesthetic
 - ADUs is a great way to achieve that

He explained the site plan and layout of the pods of housing proposed: 2,500 sq ft homes similar to homes on Emerald Ln- 10 unrestricted units in that loop; 1,400 sq ft units with ADUs that have rent restrictions built into the walk-out basement; open space areas both upland and wetland.

Tonight is the first step of many. The project still has to go through rounds of TRC and future Planning Board meetings.

Mr. Baldwin answered questions of the board about the HOA, open space calculations and TDR funds towards conservation, necessity or not of the access road to Emerald Ln, land unit A design options for buildings, individual lots or one large HOA lot, land size and uses for open space area, option of disconnecting the loop road from being a full loop to make it less attractive as a cut-through, stormwater area, total units of housing 76, numbers of cars, traffic studies, drainage and sewer calculations will come later in the design process after approval of the units

Discussion and board opinions were given about unit B land size, conservation commission would need to approve CUP before Planning Board approval, this parcel is part of the working lands for wildlife program and needs Conservation Commission approval before Planning Board approval, TDR function to add density to the areas of the City with the least conservation value, type of housing preferred: less units that are larger or more units that are smaller and a larger open space area, ranking of land: prioritized habitat block for protection against development, compactness of the density request vs putting some units on the land closer to Tolend Rd, benefits of projects similar to this proposal, etc.

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

Public hearing opened.

Leslie Wiedmann Herd, 201 Tolend Rd, former Dover Open Lands committee member represented a group of the neighbors and abutters who held a meeting to discuss the proposal. She gave a summary of the meeting highlighting the land in question and wildlife awards it has received, the land is situated between multiple conservation easements with plans to connect and conserve, critically ranked parcel of land, and the purpose of TDR. This land should not be approved for increased density- it should be protected against intense development. She requests the board approve less units than requested and permanently conserve 'Land unit B' as a condition of approval. She also asked if the owner would sell a conservation easement to the Conservation Commission on all or a portion of the property to protect the habitat.



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Brice Snyder, 102 Emerald Ln gave personal comments and experiences and expressed when he bought his home on Emerald was told it was surrounded by undevelopable conservation land and R-40 Zoning in place. He is opposed to the proposed plan due to traffic, density, safety, maintenance and repair needed for the road due to added traffic, tot-lot is right next to the proposed roadway, and bio-pond impact.

Robert Leopold, 165 Emerald Ln is opposed to the proposed project and has concerns about development on this tract of land and does not believe that is the intent of TDR. Concerns include no public transportation or shopping nearby and residents will all need their own cars. Maintenance will come to the HOA.

Luke Paradis, 180 Tolend Rd direct abutter is a farmer on that land. He is concerned about Land Unit B. He described the animal paddocks he has all along that road and the way people treat the animals. His wife runs therapeutic horse riding in that area because it's always been a quiet place to do that. He is also concerned about the traffic coming out of that road with all the traffic. He requested the board members come walk both the land in question and his land.

Leon Lepierre, 159 Emerald Ln, President of the Indian Ridge HOA, who's open space abuts the property in question. He submitted a statement in writing previously and highlighted: controversial topic, ordinance regulation relating to Conservation Commission approval for CUP prior to Planning Board, safety concern for tot lot area and location of curb cut and site lines, stormwater maintenance and location of ponds, density and pavement. He doesn't believe this project will help affordable housing- it will be expensive to cross the wetlands. Additional concerns about the wildlife and the conservation corridor.

Sherri Watson, 212 Tolend Rd shared concerns about traffic and getting out of the proposed driveway, loss of view from land to development, wildlife testing and evaluations of the ecological community is needed, and runoff.

Mark Edmond, 72 Emerald Ln agreed with what his neighbors have said and please keep in mind the safety of their children, retirees and pet owners and not rush to a decision. He agrees the connection to Emerald Dr is not necessary.

D. Benton read off the list of folks who sent in emails and read into the record an email from Brian Stern. The correspondence received will be included in the project file for public record and will be posted online to the board

Public hearing closed.

The applicant addressed public comment topics: Mr. Baldwin:

- He thanked everyone for their feedback
- If conservation wants to purchase portions of the land they aren't required to keep as part of the open space for the project, he is willing to forego the dream of affordable housing for sale if the development team can make the numbers work.
- The people who would come into these units would be just like the people who came forward with pride in their own HOA/ neighborhood.
- This project is conserving more land with this proposal than would be conserved with a regular subdivision.
- He would like to receive some guidance tonight from the board, whether it's an official vote contingent upon Conservation Commission approval or guidance on number of units for them to buy so they can work on the design elements to bring forward for review.



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Mr. Stowell:

- Connection to Emerald was there from Emerald phase II and the design for phase III which was approved back in 2014. Water and sewer were laid and planned for this long ago. Those parameters were inherited and we're working within them
- Site distance at Emerald should not be an issue. It has been measured at that location and out at Tolend Road 5mph above the posted speed limit.
- Stormwater still has to go through TRC process- no approvals for that are being sought tonight
 - Runoff cannot be increased for the neighbors. It has to be treated on site. The standards have increased and the treatment will be more efficient on this project than it was on the Emerald project.
- AOT and wildlife studies would need to be sought and conducted. This would require multiple state permits for the crossings necessary which triggers wildlife review by Fish and Game.
 - Explained the prior owner's clearing of vegetation to create a better rabbit habitat which he did and which has since expired. The open space proposal is consistent with those plans.
- The open space areas will maintain the connectivity for the conservation corridor

D. Benton addressed public comment topics:

- The open lands committee can only work with willing land owners. These new owners can certainly have those conversations.
- Personally she would like to see more of Land unit B conserved especially if the density requested is approved.
- Roadway connectivity is often a positive in the planning field: this is a windier road than Watson or Columbus and therefore it likely won't have the traffic count concerns that other roads would. And the suggestion to unlink the loop road can be considered as an option.
- It has been considered to have two cul-de-sacs, though Fire Chief would need to have input there from an emergency sense.
- Intent is for the proposed roads to be paved
- Board has heard previous cases where the sketches came to Planning Board prior to Conservation Commission. The Conservation Commission next meets on June 10th.
- Site distance at TRC would look at the 85% of actual speeds- not posted speeds

The Chair confirmed that if this moves forward the questions asked tonight would be addressed in the planning process (traffic studies, etc.)

D. Benton explained the board doesn't have to give a specific maximum unit count tonight, but would be best to give the applicant feedback about pros and cons of the plan so far and feedback about the unit count (in the right range vs only want half etc.)

Board comments:

Clarifications:

- wetlands do count as part of open space calculations (40% wetland buffer is allowed)
- HOAs include restrictions and maintenance plans which must be followed. The City enforces the provisions in these documents. You can't 'walk away' from the obligations for maintenance, upkeep etc. In fact the restrictions are more cohesive than they were when Indian Ridge was implemented.



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F. Cullen agrees with having a fire gate at the Emerald Ln connection to prevent traffic. He suggested the applicant review the feedback received from the public and come back to a future meeting with some alternatives.

Chair Cruikshank agreed and asked if the applicant could show what the zoning already allows to give a perspective for the board and public. She also clarified that the funds that come in for TDR are not a 'windfall for the city' as suggested by public comment. Those funds can only be used for conservation purposes. The City does not have access to it for any other purpose.

K. Mavrogeorge noted a couple things that would be helpful to see from the applicant are to see the wildlife passage routes, and conservation layer over the plan. That will help with determining building and open lands placement.

If it's going to be a private road, try to reduce the amount of impervious surfaces.

T. Clark is not comfortable with the proposed unit count. He suggested it go to Conservation Commission for overall feedback prior to approving any number of units.

It was suggested and discussed the applicant go before Conservation Commission on June 10th and come back to Planning Board after that with additional information and options based on feedback received tonight and June 10th.

Mr. Stowell addressed the 50' no cut buffer and the abutting wooded area.

E. Kaspari commented as someone looking to purchase a home in Dover, she always looks at the surrounding lots. She feels for the abutters and hopes to see future plans that will have a positive outcome. She does not believe the current proposal fits the purpose of TDR or intent of the R-40 district.

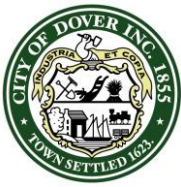
Motion: T. Clark moved to table the item to the June 25th meeting. Seconded by: K. Mavrogeorge. Vote: U/A

5. STAFF COMMENTS

- Sending positive thoughts to Kyle Pimental.
- No TRCs since last meeting.
- TRCs coming up:
 - (May 30th) Site Review for Our Place, Inc., Assessor's Map H, Lot 6-4, zoned R-20, located at 105 Durham Road. (Proposal is to provide a 9-unit group housing facility for adults with Intellectual Developmental Disabilities (IDD) with associated parking, drainage and landscaping.) (SITE-2024-0004)

6. MEMBER COMMENTS

- Chair Cruikshank
 - Read a thank you note from Friends Forever International
- G. DeBoer
 - Comments on the proposal and surrounding developments
 - Discussion continued
- K. Mavrogeorge
 - The DPW event was fantastic and better than anticipated



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7. ADJOURNMENT

Motion: G. DeBoer moved to adjourn at 9:12pm. Seconded by K. Mavrogeorge. Vote: U/A