



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, June 25, 2024**
Meeting Time: **7:00 pm**

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

Members Not Present (excused): Erinn Kaspari, George DeBoer, Kyle Pimental, Mallory Strange (Alternate), Melina Gambino (Alternate)

Members Not Present (un-excused): None

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

Gina Cruikshank (Chair) called the meeting to order at 7 p.m and noted that Jeff Sanborn is sitting in for Erinn Kaspari.

1. CITIZENS' FORUM

Citizens Forum Open

No one spoke

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- June 11, 2024 Regular Meeting Minutes

Motion T. Clark moved to approve the regular meeting minutes of June 11, 2024 as submitted. Seconded by: F. Cullen. Vote: All in favor with K. Mavrogeorge abstaining

3. OLD BUSINESS

- A. 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 the applicant appeared before the Planning Board on May 28th, 2024 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).

Per Chapter 170-27.2 E.(4)a, 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.

On the May 28th, 2024 regular Planning Board meeting, the Planning Board continued the item and recommended the proposal be reviewed by the Conservation Commission.

The Conservation Commission held a conceptual discussion about the project at their June 10th, 2024 regular meeting. The applicant presented the Commission with their original plan and a revised plan based off feedback heard at the Planning Board meeting during the Conservation Commission meeting which led to a discussion and request for more information on items such as the project's potential impact on wildlife corridors and the NH Wildlife Action Plan. The Conservation Commission recommended the item be continued to their regular July 8th, 2024 meeting following a site walk with Commission members and further review of the applicant's revised plan.

A full site plan review would still be required by the Planning Board and Technical Review Committee.



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Bob Stowell, Trittech Engineering and Robert Baldwin represented the application and updated the Planning Board and the public on the revised plan that they came up with following the last Planning Board meeting and prior to the Conservation Commission meeting where they also presented it.

Mr. Baldwin highlighted the changes: parcel behind the existing house has now been reserved for open space; reduced the amount of homes by three- now proposing 20 1400 sq ft units at fair market rents with ground level walk-out basements and the 2500 sq ft homes on the loop road. They moved the location of the homes closer to Tolend Rd as requested to open up that corridor and eliminate one of the wetland crossings. They've also moved placement of all homes away from the Paradis property line to keep the area behind the house open space.

He requested to receive comments and then table the item to hold the site walk with Conservation Commission.

He clarified for the board information about:

- TDR units requested
 - Reduced by 9. Seeking 24 units total- 4 are unrestricted units and 20 are size restricted with ADU
- Emerald Ln/ fire road lane/ gate - New proposal has 30 units using Emerald lane for access
 - They addressed the concern of cut-through traffic by eliminating a segment of road
- Descriptions of both portions of the development
 - Loop road = larger, similar homes to Emerald Ln
 - Other section has smaller homes with the ADUs

Public hearing opened.

Leslie Herd, 201 Tolend Rd represents a group of neighbors and abutters to the project. At the last meeting there was a suggestion to see an overlay map of the NH prioritized habitat / wildlife corridor designations over the proposed site map. 40% of the project is within this prioritized habitat area. 60% of the land is NH wildlife corridor. She gave additional details of the diversity of habitats on the land there and the reasons and benefits for keeping the land conserved. She requests the Planning Board and Conservation Commission consider the following:

- Prior to approval of any CUP or TDR, complete a wildlife impact study and environmental impact assessment by an independent party
 - After that, applicant can evaluate which subdivision plans are compliant

Kenneth Herd, 201 Tolend Rd read a letter on behalf of Brian Stern, Lika Dr/ Tolend Rd.

Natalie Carr, 220 Tolend Rd is concerned about the wildlife and wetlands impacts due to the density of the proposed loop road. Further testing should be done during the wet season.

Luke Paradis, 180 Tolend Rd addressed the new layout. He would be in favor of just a few larger homes going onto this land. He explained the business and volunteer activities they host on their horse farm and his other farming activities and how this project will affect him. He described the wildlife on that land.

Robert Leopold, 165 Emerald Ln noted the Conservation Commission tabled this item without an endorsement so no discussion about the CUP or TDR should occur tonight, just discussion about a site walk. This type of project belongs in a different part of Dover where there is more density and proper



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transportation. He invited the board to view their property when they come for the site visit to see their storm water management system which he believes would be affected by the proposed project.

Public hearing tabled.

STAFF RECOMMENDATION- TDR:

The Planning Department recommends the Planning Board review the revised sketch plan, along with comments and recommendations from the Conservation Commission, schedule a joint site-walk with the Conservation Commission, and continue the item.

Board discussion occurred about the need for a site walk and when to schedule it.

The site walk was scheduled for Tuesday, July 9th at 5:30pm which will be posted as a special meeting.

Motion F. Cullen moved to table the item. Seconded by: M. Speidel. Vote: U/A

4. NEW BUSINESS

- A. Consideration and acceptance of a Lot Line Adjustment for H.J. Stabile & Son, Inc. and Casey A. Carmel (or aka Carmel Casey), Assessor's Map 15, Lots 40-A-1 and 51, zoned G, located at Locust Street and 36 A Fisher Street. *(LOTA-2024-0007)

D. Benton explained that the applicant is proposing a lot line adjustment to revise the property boundary between their parcel, which is a vacant lot with frontage on Fisher Street, Map 15, Lot 40A-1, and the abutting parcel, 36A Fisher St., Map 15, Lot 51, with the intent of increasing their parcel by approximately 16,059 square feet. For both lots, the 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.

This proposal is related to the Site Plan and two Conditional Use Permits for a 21-unit townhouse condominium complex on the subject parcel that was conditionally approved by the Board at the June 11th regular meeting.

Michael Menary, CivilWorks represented the application noting this is a condition of approval for the previously approved site plan. It is a 21-unit condominium development. He explained the lot line adjustment.

Motion: F. Cullen moved to accept the application and declared no regional impact. Seconded by: K. Mavrogeorge. 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:



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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-2024-0007
 - b. The owner's signatures
 - c. The LLS stamp and signature

Motion: M. Speidel moved to approve the Lot Line Adjustment with conditions detailed by staff. Seconded by K. Mavrogeorge. Vote: U/A

- B. Consideration and acceptance of an Amendment for McIntosh Dover, LLC, Assessor's Map 13, Lot 23, zoned G, located at 23 Cataract Avenue. (Proposal is to amend the architecture and unit type of two (2) of the previously approved buildings). *(WAIV-2024-0009)

D. Benton explained that the Board previously approved a Site Plan and two Conditional Use Permits for the subject parcel on January 11, 2022. The project consisted of four (4) 4-story multi-family apartment buildings for a total of 158 units, a 1-story clubhouse, and an additional 278 parking spaces. 52 of the 158 units were to be restricted to HUD Fair Market value.

The Applicant now seeks a site plan amendment that consists of the removal of all roof decks and balconies from two of the buildings, the addition of a playground on the site, the replacement of the originally-approved brick siding to brick-colored Hardie Panel on two of the buildings, and increasing the number of HUD Fair Market rent-restricted units to 78. Total unit count remains the same as originally approved however, the HUD rent-restricted units are proposed to increase by 26 units.

Todd Baker, McIntosh Dover represented the application, explained the renovations that have taken place so far and what they have been approved for on the property. He explained the costs that have gone up and their new plans for the project. The request tonight is for the change to materials and unit mix. He noted once this gets approved, they hope to break ground in August.

He answered some questions from the board including information about rental rates, how tax credit financing works, next phase on the other parcel will be market rates, utilities and first steps, building schedule will stagger by a few months on building process, Hardie Plank description, clarification they have approval for four buildings and looking for approval to build the first two buildings with revised materials.

Discussion occurred whether there is a future phase and if materials on all buildings should be considered.

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

Public hearing opened.

Randy Woodman 59 Rutland noted there are some commitments from the developer for fences and treeline buffer. He's looking to get that in writing and how best to address that.

Email from Jack Mette, 56 Rutland St was read by D. Benton.

Public hearing closed.



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The applicant addressed public comment:

- Screening is part of the approved plan

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, including amendments. 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 subsequent conditions as the plans meet the standards outlined:

Subsequent Conditions to Be Met Prior to Signing of Plans:

1. Conditional Use Permits P21-46 and P21-47 shall be approved.
2. The Board acknowledges the merger of the two lots.
3. The applicant shall provide
 - a. A sample lease for the HUD rental units
 - b. An annual maintenance and operations plan for maintaining site distance on Cataract Avenue, including addressing roadside vegetation and snow removal all year and in all weather conditions
4. A Development Agreement shall be signed between the City and the Applicant regarding the HUD rental restricted units and the annual reporting requirements, and payment made for passive and active recreation balance needed.
5. Provide physical and digital copies (including CAD) of complete full plan set including these amendments which additionally shall include:
 - a. Signature and stamp of PE, LLS, CWS and LLA
 - b. The owners' signatures
 - c. All permit numbers
 - d. A note regarding the site distance clearing and maintenance plan
 - e. Add EV readiness
 - f. Add city wetland buffer placards every 30 feet
 - g. Remove phasing language from the plan set
 - h. Add leader note that clarifies on the plan set that changes are only to the buildings shown
6. The applicant shall work with the City to complete a safety analysis for the intersections of Rutland Street at Silver Street and Rutland at Central Avenue. A memorandum of agreement shall be signed by the City and the applicant regarding implementation of any improvements, to the satisfaction of the Director of Planning and Community Development.

Subsequent Conditions to be Met Prior to Construction Activities:

7. Existing 23 Cataract Avenue building will be re-addressed consistent with the new road name
8. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Planning Director.
9. The wetland buffer placards be installed every 30 feet.

Subsequent Conditions to be Met Prior to Building Permit:

10. Any outstanding work associated with existing building permits for the existing 23 Cataract Avenue building (to be renumbered) will be completed.
11. The applicant shall provide payment for active and passive recreation.
12. The new dwellings shall be assessed and pay the current Water and Sewer Investment Fees in place at the time of application for service.



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Subsequent Conditions to Be Met Prior to Occupancy:

13. Issuance of the Certificate of Occupancy.
14. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
15. Impact fees per unit shall be paid per the invoice attached to the Notice of Decision, unless a policy change to impact fees is made.
16. Any safety improvements required at the intersections of Rutland Street at Silver Street and Rutland at Central Avenue are in place.
17. Confirmation, by staff, that the wetlands buffer signs are in place, or replaced if damaged during construction.

Discussion about language regarding 'future phasing' which is inconsistent among the multiple plans. Suggestion to remove 'future phase' designation which is confusing. Condition 5g was added following the discussion.

Discussion about the materials potentially not being consistent among the four buildings. Condition 5h was added following the discussion.

Motion: M. Speidel moved to approve the Site Plan Amendment with subsequent conditions set by staff. Seconded by T. Clark. Vote: U/A

- C. Consideration and acceptance of an Amendment for Arbor Park, LLC and Pointe Place Partners, LLC, Assessor's Map K, Lot 19-11, zoned IT, located at 40 Pointe Place. (Proposal is for an amendment to a previously approved Site Plan to change one residential building with 60 units into four (4), 2-story buildings totaling 32 units). *(WAIV-2024-0010)

The Chair explained that item C was continued to the July 23rd regular Planning Board meeting:

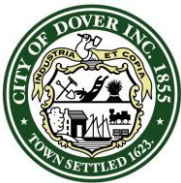
- D. Consideration and acceptance of a Conditional Use Permit for Benjamin Stockman, Assessor's Map L, Lot 43-A, zoned R-40, located at 165 Spur Road. (Proposal is to conduct shore erosion repair creating 398 s.f. of overlapping permanent impact to the Conservation District and 50 ft of wetland buffer impact. The dock replacement will also create 1,026 s.f. of permanent impact and 1,688 s.f. of temporary impact to wetlands). *(COND-2024-0008)

D. Benton explained that the applicant is proposing to repair shoreline erosion and replace a dock on the subject parcel. The shoreline erosion repair will create 398 square feet of overlapping permanent impact to the 50-foot wetland buffer and Conservation District. The project will create 1,688 square feet of temporary impact to allow for access during site work.

The applicant has applied for a NHDES Standard Dredge and Fill Wetlands Permit which includes a proposal to replace a tidal docking structure, in addition to the erosion repair, creating 1,026 square feet of permanent impact; this docking structure impact is exempt from City of Dover CUP approval.

The Conservation Commission reviewed and endorsed the application at their June 10, 2024 meeting.

Michael Menary, CivilWorks represented the application and explained the reason for the impacts.



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

Public hearing opened.

No one spoke

Public hearing closed.

STAFF RECOMMENDATION- Environmental CUP

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.

The Conservation District ordinance 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.

Planning Staff feels that the applicant considered and met all of the criteria as specified in both applicable ordinances per their narrative. The impacts created by the proposed shoreline repair are being applied to protect against further erosion and potential collapse of the bank and the affected area is minimized to the site of previous erosion. The proposed repair does not require state mitigation as the living shoreline proposal will maintain the remaining vegetated bank. The applicant has also submitted a NHDES Standard Dredge and Fill Wetlands Permit for the project which has been reviewed by the Conservation Commission.

The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and to approve the Conditional Use Permit with the following subsequent conditions, as the plans meet the standards outlined:

Subsequent Conditions to Be Met Prior to Issuance of a Conditional Use Permit:

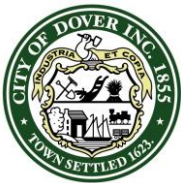
1. Copies of the NHDES Standard Dredge and Fill Wetlands Permit submitted to the Planning Department.

Motion: T. Clark moved to approve the Conditional Use Permit as detailed by staff. Seconded by F. Cullen
Vote: U/A

E. Discussion and possible posting of Zoning Amendments regarding Impact Fees.*

D. Benton explained the City reviews the impact fee amount every 5 years or so. In the past that's been done by one consultant. This year only one consultant bid and really is the monopoly of impact fee analysis in the state. She explained the draft study, staff has been reviewing other studies and talking with other communities. The Planning Board has discussed impact fees in general earlier this year as did the housing committee. A memo was in the packets about the history of impact fees as well as our one-pager. As promised, she passed out copies of the draft study for the Board to be able to read and review for July. No amendments are being proposed at the moment but staff wanted the Board to have time to digest. The study will be posted to the Planning's webpage as well.

Motion: M. Speidel moved to continue the item to the July 23, 2024 meeting. Seconded by: K. Mavrogeorge.
Vote: U/A



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5. STAFF COMMENTS

- Planning staff attended the NHPA Spring Conference in Keene, NH.
- TRCs since last meeting:
 - (June 20th) TDR Site Review for Fergus & Jennifer Cullen, Assessor's Map B, Lot 4-F, zoned R-40, located at 566 Sixth St. Proposal is to construct 2 single family dwellings and 2 duplexes to total 7 units on site, through purchasing TDR unit with associated access, parking and stormwater. (SITE-2024-0005)

6. MEMBER COMMENTS

- The Chair signed the following:
 - Site Plan Amendment for 14 Broadway.

7. ADJOURNMENT

Motion: T. Clark moved to adjourn at 8:24pm. Seconded by K. Mavrogeorge. Vote: U/A