

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, October 8, 2024**
Meeting Time: **7:00 pm**

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

Members Not Present (excused): Kyle Pimental

Staff Present: Donna Benton, Planning Director

Gina Cruikshank (Chair) called the meeting to order at 7p.m. and noted J. Sanborn is sitting for the vacant seat and M. Strange is sitting for K. Pimental. Also, Items D and E will not be heard tonight.

1. CITIZENS' FORUM

Citizens Forum Open

Eric Leaver, 42 Main st Apt 26 expressed concerns about the C & J bus terminal and parking proposal which was presented at the last meeting. He sent the board a letter and highlighted his submitted concerns. Concerns are related to bicycle parking and pedestrian and bicycle access to the lot.

Aaron Williams, 51 Sixth St Apt A supported Mr. Leaver's comments and suggestion for pedestrian path.

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- September 24, 2024 Regular Meeting Minutes

Motion: G. DeBoer moved to approve the regular meeting minutes of September 24, 2024 as submitted.

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

3. OLD BUSINESS

4. NEW BUSINESS

- A. Consideration and acceptance of a Lot Line Adjustment for Theodore V. & Phyllis J. Baillargeon and Constance E. Moxley, Assessor's Map I, Lots 1-F & 1-I, zoned RM-SU, located at 5 and 7 McKenna Street. *(LOTA-2024-0012)

D. Benton explained that the applicant is proposing a lot line adjustment to revise the lot lines between abutting properties, located at 5 and 7 McKenna Street, adding approximately 3,030 square feet from 7 McKenna St. to 5 McKenna St. For both lots, the frontage and compliance with the underlying RM-SU zoning regulations will remain the same.

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

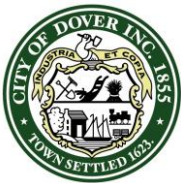
Kevin McEneaney, McEneaney Survey represented the application and explained the request for the lot line revision along with historical information.

Motion: T. Clark moved to accept the application and declared no regional impact. Seconded by: M. Speidel.
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-2024-0012
 - b. The owner's signatures
 - c. The LLS stamp and signature

Motion: M. Speidel moved to approve the Lot Line Adjustment as it is consistent with land use regulations of City code. Seconded by T. Clark. Vote: U/A

The Chair announced Items 4B & C would be heard together.

- B. Consideration and acceptance of a Conditional Use Permit for Our Place, Inc., Assessor's Map H, Lot 6-4, zoned R-20, located at 105 Durham Road. (Proposal is to remove an existing gravel lot and revegetate the majority of the area creating 7,800 s.f. of impact while reducing the impervious area by 4,000 square feet in the 50-foot wetland buffer.) *(COND-2024-0007)
- C. Consideration and acceptance of a 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)

D. Benton explained that the applicant is proposing the construction of a 9-unit group housing facility for adults with Intellectual Developmental Disabilities (IDD).

The proposal involves a renovation of the existing structure and a 3,140± square foot addition with associated parking, drainage, and landscaping. An existing gravel lot will be removed and the majority of the area will be revegetated. The project will create 7,800± square feet of impact to the 50-foot wetland buffer while reducing the impervious area by 4,000± square feet.

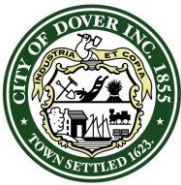
The Zoning Board of Adjustment (ZBA) granted a Variance to allow for multi-family use on the subject property on December 21, 2023.

The nine housing units were granted by Planning Board through Transfer of Development Rights (TDR) on January 18, 2024.

Three waivers are being proposed as part of this project requesting relief from a signed landscape plan, bicycle racks, and the requirement for a certified soil scientist to delineate soil types as part of the stormwater management plan.

The Technical Review Committee reviewed the application at their May 30, 2024 and July 11, 2024 meetings.

The Conservation Commission reviewed and endorsed the application at their August 12, 2024 meeting.



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Cory Belden, Altus Engineering represented the application and explained additional details of the request. He explained the site and the proposed changes. He explained the reasons for the waiver requests.

The applicant clarified information for board members about the number of units/ residents/ staff; bicycle rack waiver; landscaping details; and snow storage in the wetland buffer.

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

Public hearing opened.

No one spoke

Public hearing closed.

STAFF RECOMMENDATION: Conditional Use Permit

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, impact avoidance was considered, impacts were minimized, mitigation has been sought, and approval of the wetlands impact from NHDES Wetlands Bureau has been granted.

Planning Staff feels that the applicant considered and met all of the criteria as specified in §170-27.1.F per their narrative. The proposal minimizes wetland buffer impacts and avoid direct wetland impacts and includes the removal of an existing gravel lot in the buffer. The proposed project does not require state mitigation, does not require NHDES review, and the project has been reviewed and endorsed 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 Condition to Be Met Prior to Issuance of a Conditional Use Permit:

1. Approval of SITE-2024-0004.

Motion: M. Speidel moved to approve the Conditional Use Permit with the subsequent condition as it's consistent with regulations and reduces impervious surfaces on site. Seconded by T. Clark. Vote: U/A

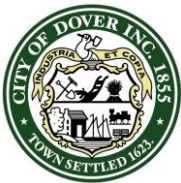
STAFF RECOMMENDATION - Waivers/Relief:

§153-21 of the Site Plan Review 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."

Planning Staff believes the applicant's rationale for the waivers meets criterion (1) and waiving such standards and requirements is not contrary to the spirit or intent of the ordinance.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to grant the waivers with the following subsequent condition:



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Subsequent Condition to be Met Prior to the Signing of the Plans:

1. Add a note that the Planning Board found the criteria of Chapter 153-21 have been met and the Board approved the following waivers:
 - §153-14(A.3.f), Stormwater management, soil type delineation
 - §153-14 (D.1.c.2), Bicycle Racks
 - §153-14 (A.12), Landscape Plan prepared by LLA

Motion: M. Speidel moved to grant the waiver requests with subsequent condition set by staff as it meets criteria for relief. Seconded by: T. Clark. Vote: U/A

STAFF RECOMMENDATION- Site Plan:

Chapter 153-13 outlines Site development plan. This plan meets those standards outlined. Therefore, the Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to approve the Site Plan with the following subsequent conditions:

Subsequent Conditions to Be Met Prior to Signing of the Plans:

1. Revise plan (and CAD) and resubmit for final Planning Board signature with the following:
 - 1.1. Add Owner's signatures;
 - 1.2. PE, LLS, CWS stamps and signatures;
 - 1.3. Note the width of driveway on C-1;
 - 1.4. Revise Note 14 on C-4 to read: "Contractor will coordinate with Community Services Department to verify existing utilities for location and condition prior to construction;"
 - 1.5. Confirm 22' wide driveway to meet minimum road width, as determined by NFPA 1;
2. Approval of COND-2024-0007;

Subsequent Condition to Be Met Prior to Construction:

3. A site construction sign with the contact information for the general contractor must be displayed in a location approved by the City Engineer or Planning Director;

Subsequent Condition to Be Met Prior to Building Permit:

4. Payment of Water and Sewer Investment Fees if applicable at time or request of service;
5. Provide classification of generator system and screening placement for review by City Building Official;

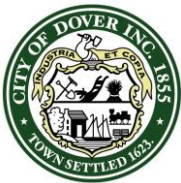
Subsequent Conditions to Be Met Prior to Occupancy:

6. Issuance of Certificate of Occupancy;
7. Surety or other form of security acceptable to the City is provided for any unfinished work;
8. Design engineer to submit a construction certification letter to the City ensuring construction was completed in accordance with the plans and specifications approved by the City of Dover.

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

The Chair announced Items 4D & E would be continued to a future meeting.

- D. Consideration and acceptance of a Conditional Use Permit for 17-19 Summer Street Properties, LLC, Assessor's Map 12, Lot 35-1, zoned HR, located at Locust Street. (Proposal is to build a 2,400 s.f. four (4) unit building in the Heritage District.) *(COND-2024-0020) [*This item may be continued to a future meeting*]



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- E. Consideration and acceptance of a Site Review for 17-19 Summer Street Properties, LLC, Assessor's Map 12, Lot 35-1, zoned HR, located at Locust Street. (Proposal is to build a 2,400 s.f. residential building consisting of (4) four, (2) two-bedroom units, improved driveway access, parking, utilities and drainage improvements.) *(SITE-2024-0003) *[This item may be continued to a future meeting]*

Motion: T. Clark moved to continue this to October 22, 2024 at 7pm. Seconded by: M. Gambino. Vote: U/A

5. STAFF COMMENTS

- D. Benton addressed citizen's forum comments re: bike racks at the bus station
- D. Benton went over the Draft Impact fee policy direction.
 - Board members gave feedback

Motion: T. Clark moved any project approved or reapproved in 2024 has no impact fees unless they already paid them. Seconded by: M. Speidel. Vote: U/A

- Save the date for CIP release on Oct. 16. 7pm over in the McConnell Center
- Thanked Mark Speidel for his time on the Board.
- TRCs since last meeting:
 - (Sept. 26th) Site Review for 103 Court Street. Proposal is to convert the existing home into a duplex, construct a second duplex, and construct five new single-family homes for a total of nine dwelling units.
 - (Oct. 3rd) Site Review for 306 Dover Point Rd. Proposal is to construct two duplexes and one single-family dwelling.
- Upcoming TRCs:
 - (Oct. 17th) Review of TDR Subdivision for 566 Sixth Street. Proposal is to subdivide one lot into three lots and purchase three units through TDR, resulting in a total of five units across the three lots.

6. MEMBER COMMENTS

- The Chair signed the following:
 - Minor Subdivision for 48 Old Rochester Rd.
- M. Speidel make comments about his time on the board.

7. ADJOURNMENT

Motion: M. Speidel moved to adjourn at 7:45pm. Seconded by G. DeBoer. Vote: U/A