



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, November 12, 2024**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Ken Mavrogeorge, George DeBoer, Kyle Pimental, Mallory Strange (Alternate), Jeff Sanborn (Alternate)

Members Not Present (excused): Doug Glennon, Fergus Cullen (Councilor), Tom Clark, Melina Gambino

Staff Present: Donna Benton, Planning Director

Gina Cruikshank (Chair) called the meeting to order at 7 p.m. and noted that Mallory Strange will be Vice Chair and Jeff Sanborn will be sitting in for Melina Gambino.

1. CITIZENS' FORUM

Citizens Forum Open

No one spoke

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- October 22, 2024 Regular Meeting Minutes

Motion: G. DeBoer moved to approve the regular meeting minutes of October 22, 2024 as amended.

Seconded by: M. Strange. Vote: All in favor with J. Sanborn abstaining

3. OLD BUSINESS

4. NEW BUSINESS

- A. Consideration and acceptance of Transfer of Development Rights for True North Development, LLC, Assessor's Map 7, Lot 14, zoned R-20, located at 35 Boston Harbor Road. (Proposal is to purchase two (2) additional units through TDR for a total of three (3) non-restricted units.) *(TRAN-2024-0013)

D. Benton explained that the applicant is proposing three residential units by purchasing two, unrestricted units through TDR. The proposal includes reconstruction of the existing single-family dwelling and the construction of two additional single-family dwellings.

It was determined by staff that one unit would be allowed by right on the subject property, requiring the remaining two, unrestricted units be purchased through TDR.

Per the applicant's submitted plan, the two additional single-family homes will each be 2,280 square feet and will be constructed outside of the City's Conservation District. The existing single-family home will be demolished, and in its place, the applicant proposes a 1,360 square foot single-family home that is within the Conservation District and will therefore require a Conditional Use Permit and review by the City's Conservation Commission.

Due to the project's scope, the Planning Board may seek the Technical Review Committee's review if there are concerns of drainage or other technical items. As previously noted, the applicant must submit their plan to the City's Conservation Commission and this Board for Conditional Use Permit review for the reconstruction of the existing single-family home.

Steve Haight, CivilWorks New England, represented the application and explained the request including location, utilities, driveway access, setbacks and buffers. The applicant is requesting to purchase 2 TDR units for single family homes and the existing home will be renovated at a future date.



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He answered follow-up questions for the board members regarding the existing buildings.

Motion: G. DeBoer moved to accept the application and declared no regional impact. Seconded by: K. Mavrogeorge. Vote: U/A

Public hearing opened.

Sam Pollard, 33B Boston Harbor Rd sent in a letter to the board addressing drainage which he gave details about in person. He requests a surface drainage water plan. He also questioned whether the TDR request is in the spirit of the TDR regulations/ purpose. He doesn't believe it is. It has considerable conservation value. The existing structure is within the 50' buffer and questioned how the proposal is acceptable at that location. He questioned some notes on the plan relating to the allowance of a duplex on the primary site and how many units are additionally allowed.

He noted a mistake on the plan at 41 Boston Harbor Rd that there is a garage, when in fact it is a living unit which is occupied as a rental. He asked if there are plans proposed for the existing garage on the applicant's lot. He asked about the continuous visual buffer.

D. Benton noted two emails that came in from the Pollards and summarized emails from John and Jean Marie Fritz of 33A Boston Harbor and Susan Kennett of 31 Boston Harbor.

Public hearing closed.

S. Haight addressed public comment:

- Density/ Acreage on the lot is larger than most
- Drainage
- Garage doors will adjust to driveway side as part of renovation and remain a garage usage
- Size of proposed homes is shown on the plans with proposed footprint
- Duplexes are allowed by right. They are not creating a duplex. Keeping single-family home and creating two additional single-family homes
- No plans to change ownership or use of the easement access
- Wetland buffer- regulations state if you have an existing structure, you can't expand closer to the buffer than it is. They will have to go through the City and State processes for permits and approvals
- Nothing from back setbacks will be removed. If additional shrubbery is required they can add that
- Two proposed buildings were moved away from the water and closer to the paved road after the abutters received the plans

D. Benton asked the applicant if they will agree to an additional condition of revision of note 10E requiring future approval for additional units. The applicant agreed.

S. Haight addressed board questions relating to:

- Square foot requirements for lots
- TDR unit calculations
 - D. Benton further clarified if the applicant uses the duplex calculation to get TDR, duplexes have to be built. This applicant wants to have single-family homes, not duplexes, so they are purchasing 2 TDR units, not just 1.

The board discussed drainage and whether TRC review is necessary for this project, though not required by application.



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STAFF RECOMMENDATION - TDR

§170-27.2 provides for additional density to be purchased through Transfer of Development Rights. This application meets the ordinance.

Section 170.27.2.G(8) states:

“Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity meets the following criteria and a narrative is submitted indicating how those criteria are met:

- (a) Is consistent with the Master Plan*
- (b) Is compatible with the land uses on neighboring LOTs (eg a multifamily building fits in with in a single family neighborhood). The applicant shall provide in their narrative an explanation of their neighborhood analysis.*
- (c) Is created on property served by public water and sanitary sewer.*
- (d) Any relief sought should not be caused by the additional density.”*

Staff notes the appreciation for adherence to all buffer, setback, and lot coverage requirements in addition to the modest increase in density and lot coverage considering the subject parcel has the largest developable area along the entirety of Boston Harbor Road.

Staff has reviewed the proposal and supplied a TDR memo to the applicant.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to find the criteria of the TDR ordinance has been met with the following subsequent conditions:

Subsequent Conditions to be Met Prior to Granting TDR:

1. Acknowledge the need for a Conditional Use Permit for the reconstruction of the single-family home within the Conservation District;
2. Payment of TDR fees;
3. Add note to plan: “This site plan uses the Transfer of Development Rights ordinance which allows for relief to the setbacks, lot area, frontage, density and intensity of the development. The Board granted TDR relief to purchase two (2) unrestricted units for a total of three (3) units within the existing lot of record. The single-family homes may not be converted to a duplex without further review and approval by the Planning Board;”
4. Add note indicating which units will be purchased as unrestricted units through the TDR ordinance.
5. Revise note 10E to include no additional units may be created without review and approval by the Planning Department and/or Planning Board, whichever is applicable.
6. Add landscaping to screen the lot line of 13-C

Motion: K. Pimental moved to approve the Transfer of Development Rights request with subsequent conditions set by staff as it meets criteria. Seconded by: G. DeBoer. Vote: U/A

- B. Consideration and acceptance of a TDR Site Review for Brian Slovenski, Assessor’s Map L, Lot 111, zoned R-20, located at 306 Dover Point Road. (Proposal is to construct two (2) two-family dwellings and a single-family dwelling.) *(SITE-2024-0008)

D. Benton explained the applicant is proposing to demolish two existing structures on the subject property and construct five residential units. The units will consist of two, two-family dwellings and one, single-family



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dwelling. The project also proposes a shared accessway for the units, walkways, grading and drainage, and public utilities improvements. The proposed development will utilize the existing shared driveway with the abutting parcel along the southerly property line.

The base density for the parcel was determined to be one unit and the additional four units were previously granted by Planning Board through Transfer of Development Rights (TDR) on January 23, 2024.

While a portion of the parcel is within the Conservation District, the proposed construction falls outside of it, therefore, a Conditional Use Permit and Conservation Commission review is not required.

The Technical Review Committee reviewed the application at their August 1, 2024 and October 3, 2024 meetings.

Steve Haight, CivilWorks New England, represented the application and explained the request noting the TDR was approved in January and they've been working on the design process with TRC. DOT has provided the driveway permit. The applicant has a fully engineered site design with utilities, grading, drainage, and a landscape plan. All concerns from TRC and staff have been addressed. Stormwater will be managed on site. The proposal is for two new duplexes and a new single-family house.

Motion: K. Pimental moved to accept the application and declared no regional impact. Seconded by: G. DeBoer. Vote: U/A

Public hearing opened.

No one spoke

Public hearing closed.

STAFF RECOMMENDATION- Site Plan:

Chapter 153-13 outlines Site development plan requirements. 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. Include "no Saturday hours" to note on construction hours;
 - 1.4. Revise to include the selected private road name and appropriate addressing, as approved by the Building Official;
 - 1.5. Include note to say: "Owner acknowledges, agrees, and covenants that the City of Dover is not responsible or liable for any damage arising out of or in relation to use of this property's driveway for emergency access".
 - 1.6. HOA documents provided to the city for review in consultation with the City's Attorney to include common space ownership and maintenance, roadway and utility ownership and maintenance, landscaping maintenance and reserve amount calculation.
 - 1.7. Payment of TDR fees and any other conditions outlined in the TDR approval.

Subsequent Condition to Be Met Prior to Construction:

2. City's standard 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;



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Subsequent Condition to Be Met Prior to Building Permit:

3. Payment of Water and Sewer Investment Fees if applicable at time or request of service;

Subsequent Conditions to Be Met Prior to Occupancy:

4. Issuance of Certificate of Occupancy;
5. Surety or other form of security acceptable to the City is provided for any unfinished work;
6. 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: K. Pimental moved to approve the Site Plan with subsequent conditions set by staff as it meets criteria. Seconded by: G. DeBoer. Vote: U/A

5. STAFF COMMENTS

- Reminder that this is the only meeting in November.
- Reminder again about the NH Land Use Law Conference: Join your colleagues from around the state at the NHMA 2024 Land Use Law Conference from 9am to 3:15pm on Saturday, November 16th at Southern NH University, in Manchester NH.
- D. Benton shared that the Board will be reviewing and considering for adoption the updated Conservation and Open Space Chapter of the Master Plan at the December 10th meeting.
- TRCs since last meeting:
 - (Nov. 7th) Review of site plan for Dover Housing Authority at 3 Green St. Proposal is to construct 22 parking spaces at the rear of the building where there are four parking spaces currently.
- Upcoming TRCs:
 - (Nov. 14th) Review of site plan and TDR request for 1 Cold Springs Rd. Proposal is to construct eight single-family homes, a four-unit residential building, and maintain an existing single-family home for a total of 13 units. The project includes a TDR request to purchase the four multi-family units with HUD-restricted rental rates and the eight, 1,400 s.f. single family homes and a request for relief from TDR setbacks.
 - (Nov. 14th) Review of site plan and TDR request for 103 Court St. (*Third TRC meeting related to this project.*) Proposal is to convert the existing home into a two-family dwelling, construct a second two-family dwelling and construct five single-family homes for a total of nine dwelling units.

6. MEMBER COMMENTS

- K. Pimental
 - Waterfront update- making great progress
- Chair signed the following:
 - Re-signed the Minor Subdivision plan for 48 Old Rochester Road following the correction of a mislabeled property ID.

7. ADJOURNMENT

Motion: G. DeBoer moved to adjourn at 7:41pm. Seconded by K. Mavrogeorge. Vote: U/A