



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 11, 2024
 Meeting Time: 7:00 pm

Members Present: Mark Speidel (Vice-Chair), Tom Clark, Fergus Cullen (Councilor), George DeBoer, Brian Kaspan, Jeff Sanborn (Alternate)

Members Not Present (excused): Gina Cruikshank (Chair), Ken Mavrogeorge, Kyle Pimental, Jon Ellard, Melina Gambino (Alternate), Mallory Strange (Alternate)

Members Not Present (un-excused): None

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

Mark Speidel (Vice Chair) called the meeting to order at 7 p.m. and noted that George DeBoer is sitting in as Vice Chair and that Jeff Sanborn would sit for Jon Ellard.

1. CITIZENS' FORUM

Citizens Forum Open

No one spoke

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- May 28, 2024 Regular Meeting Minutes

Motion E. Kaspan moved to approve the regular meeting minutes of May 28, 2024 as submitted. Seconded by: F. Cullen. Vote: U/A

3. OLD BUSINESS

4. NEW BUSINESS

- A. Consideration and acceptance of an Extension Request for 59 Tolend Rd, LLC, Assessor's Map E, Lot 65-1, zoned R-20, located at Tolend Road. (Proposal is to extend the conditional approval to allow for the State subdivision, State subsurface approval and State DWGB permit for a previously conditionally approved 27-lot subdivision.) * (WAIV-2024-0008)

D. Benton explained that the Board previously conditionally approved an Open Space Subdivision on Aug. 22, 2023 for a total of 27 lots with two (2) open space areas. Two (2) Conditional Use Permits were also conditionally approved by the Board as part of the project for temporary and permanent impacts to wetlands and wetland buffers.

The applicant is now seeking an extension of the conditional approval timeframe in order to obtain State subdivision and subsurface approval and NHDES Drinking Water and Groundwater Bureau (DWGB) permit approval.

The applicant has already received local leach field approval.

Kevin Poulin, Berry Surveying and Engineering, represented the application and explained the statuses of the permits.

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

PETITIONER'S
EXHIBIT

tabbles

EC2



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Public hearing opened.

No one spoke.

Public hearing closed.

STAFF RECOMMENDATION- Extension Request:

Chapter 157-23.B of the Land Subdivision Regulations of the City Code provides requisite criteria to be met prior to the granting of any extension, not to exceed one year per each request.

The Planning Department recommends the Planning Board make findings and vote to approve the extension request with all existing conditions still applied with a new date of December 23, 2024.

Motion: T. Clark moved to approve the Extension Request as detailed by staff. Seconded by E. Kaspan.

Vote: U/A.

- B. Consideration and acceptance of a Conditional Use Permit for Roberta Woodburn, Assessor's Map L, Lot 46-T, zoned R-20, located at 189 Spur Road. (Proposal is to renovate an existing patio and retaining wall within the 100' shoreland setback with ~617 sf of temporary impact and 173 sf of permanent impact to the Conservation District as well as ~437 sf of temporary impact and ~108 sf of permanent wetland buffer impact.) *(COND-2022-0030)

D. Benton explained that the applicant is proposing to renovate an existing patio and retaining wall within the 100' shoreline setback with approximately 617 square feet of temporary impact and 173 square feet of permanent impact to the Conservation District, as well as approximately 437 square feet of temporary impact and 108 square feet of permanent wetland buffer impact. This proposal will reduce the impact to the Conservation District.

The impacts to the Conservation District are in this case overlapping and redundant with the wetland impacts.

The Conservation Commission reviewed this application at their Dec. 12, 2022 meeting and voted to endorse the project.

Roberta Woodburn, owner represented the application and explained the status of the patio and retaining wall and the reasons and plans for the proposal request.

Motion: E. Kaspan moved to accept the application and declared no regional impact. Seconded by: T. Clark.

Vote: U/A

Public hearing opened.

Email from Barbara Rushmore was read into the record.

Public hearing closed.

STAFF RECOMMENDATION: CUP

The Wetlands Protection District ordinance and the Conservation District ordinances provide 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, and efficacy of the soil and erosion sedimentation control plan.



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Planning Staff feels that the applicant has considered and met all of the specified criteria.

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:

Conditions to be Met Prior to Issuance of Conditional Use Permit:

- 1.) Provide copy of NHDES Shoreland Permit;
- 2.) Provide copy of NHDES Expedited Minimum Impact Wetlands Permit;
- 3.) Update plans to indicate permit numbers;
- 4.) Add owners' signature to plans.

Motion: G. DeBoer moved to approve the Wetlands Protection District and Conservation District Conditional Use Permit with subsequent conditions set by staff as it meets criteria. Seconded by T. Clark.
Vote: U/A.

- C. Consideration and acceptance of a Conditional Use Permit for Granite State Gas Transmission, Unitil (Owners: Dover Point Cooperative, Inc), Assessor's Map M, Lot 47-C, zoned R-12, located at 1 Polly Ann Trailer Park. (Proposal is the replacement of gas pipe section that will cause ~17,015 s.f. of impacts to wetlands.) *(COND-2024-0004)

D. Benton explained that the applicant is proposing to install a replacement section of gas pipe, replace the existing access road, and construct an above-ground station for pipeline inspection equipment creating 17,015 square feet of wetland impact (and Conservation District).

The Technical Review Committee reviewed this application at their April 11, 2024 meeting and the Conservation Commission reviewed this application at their May 13, 2024 meeting and voted to endorse the project.

Tracey Sweeney, Unitil, Eric Girard, VHB, represented the application and explained the gas pipeline replacement project including the history and existing conditions on site and proposed work to be done. The applicant also explained impacts to the Conservation District which are in this case overlapping and redundant with the wetland impacts and noted Conservation Commission endorsed the project.

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

Public hearing opened.

James Johnson, 19 Polly Ann Park understands they need to replace the pipes but is not in favor of the road. It is on the land of the homeowners. They provided them an access point.

Dan Walker, 55 Polly Ann Park is concerned about the cutting of trees and any widening of the access road beyond the 35 feet they have. The road is hard packed- no gravel is necessary. Trucks and equipment are already down there in use.

Public hearing closed.

The applicant noted the proposal before the board is the best resolution and a viable solution.



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Roger Birn, Util: The type and location of the building was described as not a building, but an above ground piping 100'x 20' with chain link fence around. The disruption will be limited to the limits of the 35' easement. Previously, they would access their easement through the park, but the park owners have objected to that recently, so they have an agreement with the water department at the end of Garrish Rd for an easement and access it from the south to their easement. He explained the location of that roadway.

STAFF RECOMMENDATION: CUP

The Wetlands Protection District and Conservation District ordinances provide 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.

Planning Staff feels that the applicant has considered and met all of the specified criteria.

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:

Conditions to be Met Prior to Issuance of a Conditional Use Permit:

- 1.) Copies of the NHDES Shoreland Permit be submitted to the Planning Department.
- 2.) State permit numbers added to the plan set and submitted to the Planning Department.

Motion: T. Clark moved to approve the Conditional Use Permit with subsequent conditions set by staff as it meets criteria. Seconded by E. Kaspar. Vote: 11/A.

- D. Consideration and acceptance of a Transfer of Development Rights Plan for DBS Holdings, LLC, Assessor's Map B, Lot 2, zoned R-40, located at 512 Sixth Street. (Proposal is to purchase three (3) non-restricted TDR units to allow a total of five (5) on the site.) *(TRAN-2024-0006)

D. Benton explained that the applicant is proposing a project for five (5) residential units by purchasing three (3) non-restricted units through TDR.

From conversations with the property owner, it was determined that a manufactured home was originally on site and then in the 1970s, a single-family dwelling was built. The current Zoning Ordinance would allow for that single-family dwelling to be converted into a two-family dwelling. With this information, two (2) units were calculated as allowable by right on the subject parcel. The applicant did show a plan to staff today that meets some of these conditions but the Planning Board should review the plan that was posted with the materials. The intent is that if the Board vote on the TDR tonight, the applicant would then go before TRC and come back to the Planning Board.

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

Kevin McEneaney, represented the application and explained the base number of units allowed on the site is 2 and the request of TDR of 3 units to total 5 units which will be unrestricted, single-family units. Access will update from two to one and the plan meets fire department's criteria.

The revised plan shows the reduction of all building sizes which moves them away from the wetland buffer. Open space areas were explained. Clarifications were made for board members.



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

Public hearing opened.

Todd Corley, 518 Sixth St is concerned about the wetlands, clean-up of the property from previous owner, open space use- safety for kids- and requests a privacy fence

Ken Durell, 508 Sixth St is concerned about the drainage to be sure it is controlled and channeled properly, trash all over the property for 50 years is cleaned up and he also asked if the lot was going to be clear-cut.

Carlin and Rory Wilkie, 508 Sixth St is concerned about Councilor Cullen voting on this item due to bias or appearance of bias due to what's planned here being so similar to what he is proposing at his property in the coming weeks.

They request the board select an alternative person to vote in his stead. They understand housing is needed, but ask the board to promote smart growth and change at a reasonable scale. This project does not meet either and goes against the zoning. The proposed density will affect daily use, current value and future marketability of properties in the neighborhood. They are concerned about the density for that area and the wetlands and drainage issues that can come from this. Traffic is also a concern.

Robert Suydam, 11 Cherrywood Dr is concerned about the runoff and wetlands encroaching on abutting properties, and wildlife being pushed out and impacted. The entire property behind is conserved and this type of project should go in a place more suited so the conservation area can be protected.

Mike Onlich, 560 Sixth St agreed with his neighbors and that the area is zoned R-40. He read from the ordinance. The proposal is out of character with the rest of the neighborhood.

Public hearing closed.

E. Cullen noted he does own property at 566 Sixth which is in the process of renovation and will have an application coming before the board for that property, which the Wilkies abut. When the time comes, he will recuse himself from any discussion and vote for his own proposal. He has no connection to the property and proposal up for review tonight, nor its owners- it is about a half mile away from his property. There is no conflict of interest with him for tonight's item.

K. McFeneaney addressed public comment.

- The property is an eyesore: it is being cleaned up as part of the project
- There will be a complete landscape plan provide with the proposal
- There is no wetland disturbance as part of this proposal
- There is no encroachment to the wetland buffer as part of this proposal
- No CUP or Conservation Commission approval is required for this approval requested
- As part of site review drainage analysis, will be presented for approval
- TDR is allowed in all residential zones
- He reviewed the lot's size, frontage and allowed units if the parcel was subdivided
- Open space area can be discussed with abutter regarding fencing

D. Benton explained the R-40 zone and requirements for development plans with and without TDR usage.

D. Benton addressed whether this request is setting precedent.



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The public hearing had been closed by the acting chair following Mr. Orlich's comments and before Councilor Cullen spoke, but some board and audience members had apparently not heard it and the acting chair allowed people to speak again at this time.

Mr. Durell: close proximity to his home- privacy will be lost- requesting privacy fence

Willaes: the density is not in character with the area- this type of development would be the first on the street and will open the door for more- also spoke to their attorney and still believe there is a conflict of interest due to the likeness of the two proposals.

Public hearing was closed again.

Board members asked and discussed with staff other similar projects/ TDR requests in R-40 zones.

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."

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.) Amend plan to:
 - 1.1) indicate size restriction of unit 5 and placement further away from the wetland buffer.
 - 1.2) Add owner's signature
 - 1.3) Add PE and LLS stamp and signature
 - 1.4) Add note about TDR units and restriction
 - 1.5) Note open space calculations
- 2.) Payment of TDR fees.
- 3.) Site plan reviewed by Planning Board and TRC.

F. Cullen gave additional comments about other TDR uses in the area, the condition of the property, what is allowed by right and what is a good balance.

G. DeBoer expressed the complexity of this item- we want the property improved and there will be development there. There are nearby roads with similar development, so this is not unique, but it's not an easy item.



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T. Clark noted he has some concerns about the purchase of TDR and how it gets around the zoning ordinance. He will not support granting this TDR as five houses on two acres is too dense.

Motion: G. DeBoer moved to grant the Transfer of Development Rights request with subsequent conditions set by staff as it meets criteria noting at some point in the future the number of lots for development will be determined by the board. Seconded by: J. Sanborn. Vote: 4-2 with T. Clark and M. Spindel opposed.

The Chair announced Items 4E, F, & G would be heard together.

- E. Consideration and acceptance of a Conditional Use Permit for H.J. Stabile & Son, Inc., Assessor's Map 15, Lot 40-A-1, zoned G, located at Locust Street. (Proposal is to construct a Townhouse Condominium complex creating -16,250 sf of wetland buffer impact and -6,329 sf of overlapping impact to the Conservation District.) *(COND-2024-0006)
- F. Consideration and acceptance of a Conditional Use Permit for H.J. Stabile & Son, Inc., Assessor's Map 15, 40-A-1, zoned G, located at Locust Street. (Proposal is to be setback 235'± from the front, where a 5' to 20' build-to-line is required.) *(COND-2024-0009)
- G. Consideration and acceptance of Site Review for H.J. Stabile & Son, Inc., Assessor's Map 15, Lot 40-A, zoned G, located at Locust Street. (Proposal is to construct a Townhouse Condominium complex of 22 units with associated parking & drainage.) *(SITE-2023-0015)

D. Benton explained that the applicant is proposing the construction of four (4) buildings creating a 21-unit townhouse condominium complex with associated parking. The parcel, as proposed, includes a yet to be approved lot line adjustment and totals 3.91± acres that is currently undeveloped and 77,000± square feet (1.77± acres) of the parcel is proposed to be developed. Parking on site will consist of an 11-space parking lot and a single car garage for each unit, for a total of 32 spaces on site.

Two (2) Conditional Use Permits are being proposed as part of this project requesting relief from the front build-to-line and wetland buffer impacts. Due to the unique configuration of the subject parcel, the applicant is seeking relief from the maximum front build-to-line of 20 feet to allow a build-to setback of 235± feet. And in total, the project will create 16,250± square feet of wetland buffer impact and 6,329± square feet of overlapping impact to the Conservation District.

The Technical Review Committee reviewed the application at their Nov. 30, 2023 and Feb. 22, 2024 meetings.

The Conservation Commission reviewed and endorsed the application at their May 13, 2024 meeting. The Conservation Commission requested that native plantings be used in the buffer which staff has added as a condition of approval.

The applicant did slightly modify their color changes so we will show the latest renderings and have them include that during their presentation.

Michael Menary, CivilWorks NE and Eric Jackson, Stabile, represented the application explaining the current vacant, gravel parcel; details of the proposed project, revisions to the plan following TRC; drainage; and waiver requests.

He and Mr. Jackson answered questions of the board relating to: Frontage / layout of the property; access road to #20 connection, road width, tree cuts and replacements; parking lot tree buffer to abutters; visibility of parking lot from Fisher St;



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Motion: F. Cullen moved to accept the applications and declared no regional impact. Seconded by: E. Kaspari. Vote: U/A

Public hearing opened.

Louis Muniz, 40 Fisher St seemed dissatisfied with the density/ proximity of the proposed development to his home in addition to the community trail already in place which brings people parking everywhere. He is concerned about lack of privacy and also about traffic and being able to get on and off the roadway. He is opposed to the project.

Laurie Smith, 36 Fisher St noted people in the neighborhood have been vocal to make sure what goes in at this location fits with the neighborhood. Though the project is not ideal, Stabile has heard the concerns expressed at the neighborhood meeting. Two remaining concerns are for density and wetland impact. It seems every development gets relief from wetland/ buffer impacts. This will more than double the neighborhood which currently has 15 homes on Fisher St.

Karen Moynihan, 44 Elm St chose the neighborhood for its character and charm. She has concerns about the density (7 fits with the area/ 20 proposed), addition of cars (40 cars in 2 blocks to approx. 53 additional), view to something that does not look like the rest of the area. She asked new developers to conform to the character of the neighborhood with design elements. She is concerned about the proximity of the parking lot to the shutters including lighting. She asked the board to consider the number of units to allow.

Matt Cox, 33 Fisher St noted they were here about 15 years ago for another project which did not go through with the regulations of the time. He gave a history of the parcel and his preferences for what the lot should be. Some of his concerns with architecture, color, height and adjacent house not to be developed have been addressed. He hopes those will be adhered to and if so, it is a reasonable proposal. Many of the homes there are from the 1800s and the new proposal is not in keeping with that, but hopefully the developers will do what they can to compromise. What's on Fisher St now is 24 single-family looking properties with yards etc.

Chad Kageleiry, Dover Neck Rd/ owner of subject property in process of selling it to Stabile has seen many development changes over the many years in Dover. He noted this applicant is proposing a lower number of units than what is allowed.

Public hearing closed.

Mr. Jackson addressed public comment:

- Zoning change to promote development
- Land area could support 34 units and 4 stories of building height
 - Decided that wasn't the right plan for the neighborhood
- Buffer area/ city drainage is cause of the wetland
- Traffic study was done and analyzed
 - Walkway will be added crossing Fisher St
- These will be condos to be sold- not rented
- Character of the buildings- these are similar to the project at Dover Point
 - Dover architecture was reviewed and attempted to be used
- Parking/lighting will occur- there will be a privacy fence
- Building heights were reviewed and is consistent with/ lower than the neighborhood

Mr. Jackson clarified information for the board

- Parcel size/ two parcels



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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.

Planning Staff feels that the applicant considered the criteria and provided a site layout that avoids wetland impacts and minimizes wetland buffer impacts through the situation of the buildings, drive aisle, and parking lot. The applicant has also proposed use of a retaining wall along the bio-detention basin to minimize grading within the wetland buffer. Mitigation is not required for this proposal.

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. Approval of CUP (COND-2024-0009);
2. Approval of the site plan (SITE-2023-0015);
3. A note added to the plan that native plantings in the buffer beyond the seed mix proposed.

D. Benton clarified information to the board relating to mitigation and density/ allowable units.

Mr. McEneaney answered questions about where the water goes on the south side of the property.

Motion F. Cullen moved to approve the Wetlands Protection District Conditional Use Permit with the subsequent conditions. Seconded by G. DeBoer. Vote: U/A

STAFF RECOMMENDATION- Front Build-to-Line CUP:

§170-19.B(1) Zoning Ordinance allows for Conditional use approval for relief from the standards herein may be granted by the PLANNING BOARD (RSA §674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards.

- (a) That both public and private BUILDINGS and landscaping shall contribute to the physical definition of RIGHTS OF WAY as CIVIC SPACES.
- (b) That development shall adequately accommodate automobiles, while respecting the pedestrian and the spatial form of public areas.
- (c) That the design of STREETS and BUILDINGS shall reinforce safe environments, but not at the expense of accessibility.
- (d) That architecture and landscape design shall grow from local climate, topography, history, and BUILDING practice.
- (e) That BUILDINGS shall provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
- (f) That CIVIC BUILDINGS and public gathering places shall be provided as locations that reinforce community identity and activity.
- (g) That CIVIC BUILDINGS shall be distinctive and appropriate to a role more important than the other BUILDINGS that constitute the fabric of the city.
- (h) That the preservation and renewal of historic BUILDINGS shall be facilitated.
- (i) That the harmonious and orderly evolution of urban areas shall be advanced by the proposed BUILDING and/or use.



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This plan is consistent with the criteria as described in the applicant's narrative.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to grant the Front Build-to-Line CUP with the following subsequent conditions:

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

1. Approval of CUP (COND-2024-0006),
2. Approval of the site plan (SITE-2013-0015),
3. A Development Agreement be entered between the applicant and the Planning Board and recorded at the SCRDP per Chapter 170-19.B(3).

Motion F. Cullen moved to approve the Front Build-to-Line Conditional Use Permit with the subsequent conditions. Seconded by T. Clark. Vote: 11/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:

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

1. Add a note that the Planning Board approved a waiver for §153-14G(3)(a) to allow a minimum edicper of 2.5" and that the Board found the criteria of Chapter 153-21 have been met.

Motion: G. DeBoer moved to grant the waiver request with subsequent condition set by staff as it meets criteria. Seconded by F. Cullen. Vote: 11/A.

STAFF RECOMMENDATION- Site Plan:

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. Approval of CUP (COND-2024-0006),
2. Approval of CUP (COND-2024-0009),
3. Approval of proposed lot line adjustment;
4. A note added to the plan that native plantings in the buffer beyond the seed mix proposed;
5. Revise to show true colors in the materials and renderings if switching to a darker color (gray/scaggrass or similar),



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6. Submit final plans (including CAD) with owner's signature and all professional stamps and signatures.

Subsequent Condition to Be Met Prior to Construction:

7. 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 Conditions to Be Met Prior to Building Permit

8. Payment of Water and Sewer Investment Fees if applicable at time of request of service.

Subsequent Conditions to Be Met Prior to Occupancy:

9. Issuance of Certificate of Occupancy;
10. Payment of Impact Fees as noted in the invoice attached to the Decision Letter unless a change is made to the impact fee policy;
11. Confirmation, by staff, that the wetlands buffer signs are in place, or replaced if damaged during construction, and
12. Surety or other form of security acceptable to the City is provided for any unfinished work.
13. The design engineer meet with the HOA to go over any maintenance, stormwater or other design items.
14. 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: F. Cullen moved to approve the Site Plan with subsequent conditions set by staff as it meets criteria. Seconded by: G. DeBoer. Vote: U/A.

- H. Consideration and acceptance of a Transfer of Development Rights for Stephen R. & Deborah A. Scotton, Assessor's Map F, Lot 21, zoned R-40, located at 131 Littleworth Road. (Proposal is to purchase nine (9) non-restricted TDR units to allow for a total of ten (10) on the site.) *(TRAN-2024-0007)

D. Benton explained that the applicant is proposing the demolition of all existing structures on the property and to create five (5) separate duplexes, totaling ten (10) units, nine (9) of which will be non-restricted, purchased through the Transfer of Development Rights ordinance.

Staff has reviewed the proposal and provided the applicant with a memo regarding their TDR on June 6, 2024 with information related to the environment, transportation, zoning, neighborhood context, etc. Staff does not think ten (10) units is feasible on this site and therefore would recommend two options:

1. Allow up to 3 single family homes
2. Convert existing home to a duplex as allowed in the R-40 District.

Bruce Scanlon, Emmanuel Engineering represented the application and explained creating affordable housing in the R40 zone has benefits to buyers who may not be able to afford a single-family home. The proposal includes extending the sewer line. He highlighted other benefits such as impact fees for the City, and the proposal is on a state road, not a residential neighborhood.

He addressed questions from the board relating to size needed for a single-family home with septic; cost/unit to cover the sewer line and other expenses; sewer line details.

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



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Meeting Date: Tuesday, June 11, 2024
Meeting Time: 7:00 pm

Public hearing opened

Mary O'Bryan, represented 3 shutters of the property in question. She described why the project is not feasible including the area is farmland- not meant to be like downtown, it does not fit the old style homes in that area, the demo proposed is of an 1800s home that should not be destroyed, the wish of the neighbors is to sell to a family who will build one generational home on the lot. Concerned about wildlife getting pushed out.

Public hearing closed

Mr. Scammon responded to public comment:

- Personal experience showing how it allows young families to stay in their communities
- Project meets zoning setbacks and buffers
- Full technical review would still need to take place prior to final approvals

D. Benton addressed board questions relating to base unit calculations.

G. DeBoer commented we think about increasing density in the urban core and hesitant in the rural district. The proposals tonight suggest the rural parts of Dover are also an area we could increase density. It might be an interesting change to our thinking.

F. Cullen made observations about the pending sale of the property and if the sale is contingent upon this proposal, perhaps there are other proposal options from other potential buyers.

Board discussion ensued. T. Clark is in favor of a revised proposal with fewer units. M. Speidel does not believe this area meets the criteria of developing less conserved areas and protecting conserved areas. He also commented the units are unrestricted, which is not necessarily affordable. F. Cullen suggested the anticipated cost of the sewer line may or may not be accurate, which may not make the project economically feasible. He encouraged the applicant to take time to get hard quotes on that.

Discussion occurred with the board and the applicant about continuing the item and waiving the 30-day Planning Board decision.

Motion: F. Cullen moved to table the item to a future meeting (no particular date). Seconded by: T. Clark.
Vote: U/A. Applicant will have to re-notice the shutters.

I. Public Hearing and Discussion of Impact Fees*

D. Benton gave a status update on this item.

Discussion of the item included where the impact fees are currently going and why.

Public hearing opened

No one spoke

Public hearing closed

Motion: E. Kaspan moved to continue the item to the June 25th meeting. Seconded by: T. Clark. Vote: U/A.

5. STAFF COMMENTS

- SRPC and others are working on the regulatory audit as part of our Housing Opportunity Grant.
- Staff is working on a recodification of the zoning ordinance which the City Council and Planning Board will be reviewing later this summer. The recodification would include renumbering, reformatting, and adding into the web-based format rather than a pdf on the General Code webpage. Chapter 170 is the last chapter to be re-codified.



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 11, 2024
Meeting Time: 7:00 pm

- The Conservation and Open Space Master Plan update is well underway and starting to review draft sections of the update.
- Thanks to staff for getting the shutters out for this meeting and all the work that goes into these Planning Board meetings.
- Jon Ellizad submitted his resignation from the Planning Board. So we will be looking for an alternate to step up as a regular member and then seek a new alternate position through the Nominations Committee.
- TRCs coming up:
 - (June 20th) Transfer of Development Rights Site Review for Fergus & Jennifer Cullen, Assessor's Map B, Lot 4-F, zoned R-40, located at 566 Sixth Street. 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)
- TRCs since last meeting:
 - (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)

MEMBER COMMENTS

- Acknowledged the lot merger for 1-3 Webb Place
- The Chair signed the following:
 - Lot Line Adjustment for 77 and 73rd Fourth St;
 - Site Plan Amendment for 48 Whittier St;
 - Site Plan for 1-3 Webb Place.
- G. DeBoer
 - Mitigation explanations and discussion
- E. Kaspan
 - The board has a duty to protect the charm and beauty of Dover- wildlife, farmlands and integrity of our neighbors, but also, we need to view the TDR requests as a way to embrace growth and change. She is torn viewing proposals for development as she is in favor of protecting what exists and also for what can be included. TDR requests need to be reviewed and decided upon individually. Each site is unique, and the board has the discretion to make change through TDR at a site where it makes sense and not on another. Precedence is not a factor, as the board has discretion on each application request.
 - Discussion ensued

7. ADJOURNMENT

Motion: E. Kaspan moved to adjourn at 9:55pm. Seconded by T. Clark. Vote: U/A