



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, February 11, 2025**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Doug Glennon (Vice Chair), Ken Mavrogeorge, Kyle Pimental, George DeBoer, Melina Gambino

Members Not Present (excused): Jeff Sanborn (Alternate), Tom Clark, Fergus Cullen (Councilor), Mallory Strange

Staff Present: Donna Benton, Planning Director, and Paul Crouser, Zoning Administrator

Gina Cruikshank (Chair) called the meeting to order at 7:00p.m.

1. CITIZENS' FORUM

Citizens Forum Open

Hilary Hamer, 91 Court St. asked for clarification on what the board approved for the TDR application for 103 Court St on January 28th. She expressed concerns about what will come to be on that lot. She addressed the master plan pillar 2 being ignored. She considers that her only recourse left is legal which has a finite timeline of action required before the site plan will be produced.

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- January 28, 2025 Regular Meeting Minutes

Motion: M. Gambino moved to approve the regular meeting minutes of January 28, 2025. Seconded by: K. Mavrogeorge. Vote: U/A

3. OLD BUSINESS

4. NEW BUSINESS

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

- A.** Consideration and acceptance of a Conditional Use Permit for Heath J. Todd Revocable Trust, Assessor's Map M, Lot 104, zoned R-40, located at Back Road. (The proposal involves creating an access drive to the developable portion of a lot for the construction of a single home and accessory structures, resulting in 8,938 s.f. of permanent wetlands impact and 28,193 s.f. of permanent impact to the 50-foot wetland buffer, along with 166 s.f. of temporary wetlands impact.) *(COND-2024-0023)
- B.** Consideration and acceptance of a Conditional Use Permit for Heath J. Todd Revocable Trust, Assessor's Map M, Lot 104, zoned R-40, located at Back Road. (Proposal is for 1,110 s.f. of permanent impact and 73 s.f. of temporary impact to the Conservation District, associated with a patio path, patio, and access to a proposed tidal docking structure.) *(COND-2024-0027)

D. Benton explained that the applicant is proposing to construct a driveway from Back Road to the developable portion of the subject parcel and to construct a patio, patio path, and access to a proposed tidal docking structure. This project was previously presented to the Planning Board on August 27, 2024 and tabled before acceptance.

The applicant is proposing to construct a driveway from Back Road to the developable portion of the subject parcel. The proposed driveway will primarily be constructed on a ~20'-wide strip of the subject parcel and total approximately 2,250± linear feet.



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The driveway is proposed to be gravel except for the first 100± linear feet and 40± linear feet connecting to the proposed residence, which will be paved. A single-family residence and accessory structures are proposed to be built on the developable portion of the subject parcel.

The proposed project will create 8,938± square feet of permanent impacts to wetlands and 28,193± square feet of permanent impacts to the 50-foot wetland buffer.

In response to feedback from the Planning Board and TRC, the applicant revised their application to incorporate site design modifications, along with a revised Drainage Analysis and Sediment and Erosion Control Plan. Compared to the previous review, the total wetlands impact increased by 58 square feet, while the total wetlands buffer impact decreased by 983 square feet.

The proposed accessory structure and access paths will create 1,110± square feet of permanent impact to the Conservation District. There are also 73± square feet of temporary impact. Since the Planning Board previously considered this project, there were no changes related to the proposed impacts to the Conservation District.

The applicant has also applied for NHDES Wetlands Bureau approvals.

The Technical Review Committee reviewed the application at their December 5, 2024 meeting and the Conservation Commission reviewed and endorsed the application at their January 13, 2025 meeting.

Mike Parsont represented the application and explained the changes to impacts.

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

Public hearing opened.

Norm Hildreth, 5 Cullen Bay Rd and Cullen Bay Homeowners Association noted they are an abutter and are concerned about water building up due to the road. How do we know the number of culverts proposed is enough and what is the maintenance plan for those culverts.

Public hearing closed.

John Lorden, Beals Assoc responded to public comment noting they did a lot of trial and error on the design of the culverts (7). They are oversized and the owner will be required to maintain them at least twice a year and after any major storm.

STAFF RECOMMENDATION: Wetland Protection District Conditional Use Permit

The Wetlands Protection District ordinance §170.28F 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 §170-28F per their narrative. There is no alternative access approach to the developable portion of the subject parcel and the driveway has been redesigned to minimize impacts upon resource areas and wetland/stream crossings have been designed with culverts to manage stormwater flow appropriately. Since the last consideration by Planning Board, an additional culvert has been included in the site design towards these efforts. The proposed project



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does not require state mitigation and the applicant has applied for NHDES Wetlands Bureau approvals which have 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 Conditions to Be Met Prior to Issuance of a Conditional Use Permit:

1. Approval of COND-2024-0027;
2. Copies of the NHDES Alteration of Terrain, Individual Sewage Disposal System, Dredge and Fill, Shoreland Permit, and Construction General Permit submitted to the Planning Department.
3. Include plan note that Design Engineer shall provide signed letter to City Engineer certifying that the stormwater management system has been installed in accordance with approved plans.
4. Add note that relief from the 5-foot side boundary driveway setback has been granted by the Community Services Director per §157-50C(3).
5. Add note that any work within public right of way requires permits from Community Service.

Motion G. DeBoer moved to approve the Conditional Use Permit with the subsequent conditions. Seconded by M. Gambino. Vote: U/A

STAFF RECOMMENDATION: Conservation District Conditional Use Permit

The Conservation District ordinance §170.27.C 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 §170.27.C per their narrative. Project impacts have been minimized through the placement of the structures, with only accessory structures falling within the Conservation District, and pervious pavers and crushed stone being used for the patio and paths. Temporary impacts are to facilitate project construction and will be restored and no fertilizers or chemicals will be used in the project area. The applicant has also applied for NHDES Wetlands Bureau approvals which have 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 Conditions to Be Met Prior to Issuance of a Conditional Use Permit:

1. Approval of COND-2024-0023;
2. Copies of the NHDES Alteration of Terrain, Individual Sewage Disposal System, Dredge and Fill, Shoreland Permit, and Construction General Permit submitted to the Planning Department;
3. Include plan note that Design Engineer shall provide signed letter to City Engineer certifying that the stormwater management system has been installed in accordance with approved plans;
4. Add note that relief from the 5-foot side boundary driveway setback, required by § 157-50C(3) has been granted by the Community Services Director.

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

Motion: D. Glennon moved to approve the Conditional Use Permit with the subsequent conditions. Seconded by K. Mavrogeorge. Vote: U/A



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The Chair announced the applicant requested that Item 4C be withdrawn.

- C.** Consideration and acceptance of a Lot Line Adjustment for Hawkins Family Revocable Trust, Assessor's Map 30, Lots 88 and 88-1, zoned RM-U and CBD-MU, located at 31 Sixth Street and 31 1/2 Sixth Street. *(LOTA-2025-0002) ***(The applicant has requested to withdraw this item.)***

- D.** Discussion on Accessory Dwelling Units. *

D. Benton gave a presentation on ADUs which included history, what they look like in Dover, City ordinances and state statutes.

D. Benton answered clarifying questions from board members. Discussion ensued to educate the board on current policies and practices and proposed zoning amendments related to ADUs.

Public Hearing Opened

Hilary Hamer, 91 Court St asked questions about TDR units then getting approved for ADUs.

Public Hearing Closed

D. Benton addressed public comment and board members continued the discussion on the question. Discussion continued about what restrictions could be legally applied for not allowing ADUs on properties having received TDR units and whether that restriction is applied through conditions of approval or at the ordinance level or if state statute would allow for that. Staff will look further into these questions.

- E.** Discussion on Transfer of Development Rights. *

D. Benton gave a presentation to explain TDR which included Dover's intents regarding the program and some samples.

She reviewed the list of changes to the TDR program that have been discussed by the board.

Public Hearing Opened

Caitlin Wilkie, 568 Sixth St, encouraged language modifications to TDR for clarity and transparency. She gave opinions on how she perceives the process favors developers over abutters. She explained the clarification she is looking to see in the revisions. She requests reporting and community involvement with the feedback and revision process.

Dorna Hamer, 18 Tuttle Ln, expressed concerns about abutters being at a disadvantage from developers in the process.

Hilary Hamer, 91 Court St

Requested this not be the workshop on TDR that was promised at a January meeting. This is not a workshop format. She highlighted concerns with development in relation to context / what other development is going on in the City, vague language that needs to be addressed/ changed, false narratives on applications and usage of TDR fees.

Christopher Berry, Berry Survey and Engineering spoke about the TDR process and how it positively affected projects he has presented to their beneficial completions. He addressed the original intent of TDR for keeping the R-40 zone less dense, but that process was cumbersome and highly unused. He addressed the more current usage of the TDR by developers of purchasing units to fund conservation and also for developers to include an element of affordability of housing within the plans. He noted often the developer's presented plan is not what is the most development we can cram in for the most money, but what can be



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included that gets them to the break-even point and will be sure the project moves forward. There are contextual requirements for TDR to be used within the zone which are analyzed prior to plan development such as density for the zone and higher and better use.

Public Hearing Closed

D. Benton addressed public comment:

- TDR process/options
 - Explained 103 Court St TDR approval in January and not on site plan.
- TDR fact sheet does need revision
- TDR fees collected vs invoiced
- Conservation fund usage and that \$100k per year currently goes towards conservation planners salary and benefits.
- Other uses of conservation funds
- Other funding for conservation other than TDR fees
- Narratives are reviewed – TRC does not have the same jurisdiction for CUPs and TDR that it does for subdivisions and site plans so the narratives may not be looked at closely during TRC process- focus is on the plans
- TDR requests have been denied/ tabled/fizzled out/ comments given by Planning board and/or staff
- 10-day abutter notice is a state statute. Dover notifies abutters beyond state statute requirements.

City attorney is available to staff as needed to confirm legality issues.

D. Benton noted tonight's discussion is not the only one for TDR. Can proceed as the board wishes. If amendments are proposed, there will be additional public hearings at both the Planning Board and in the case of zoning amendments at City Council level as well. She would like Planning Board to give some direction tonight regarding amendments so staff can start working in that direction for further discussion.

M. Gambino suggested a public session with the community to have a back-and-forth discussion/ dialogue.

G. DeBoer agreed this will have to be addressed over a period of time. He is not ready for amendment language at this time. He has larger picture questions relating to how much of Dover is conserved, if the TDR program is working based on its intent etc. He appreciates everyone's feedback and insight tonight. It may appear we are on different sides, but we are all working toward a goal.

D. Glennon agreed with M. Gambino to have more dialogue with multiple groups. Perhaps we can look at the positive projects and use them to help codify our TDR program. The fees should be reviewed and perhaps increased.

K. Pimental suggested putting a committee together with members such as a staff member, a Planning Board member, a developer and a resident or two to pick apart the regulations and come back to the full board with recommendations. He volunteered to be on that committee if the board chooses that route.

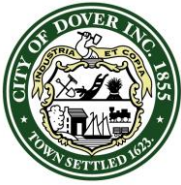
Chair Cruikshank agreed that a subcommittee can be useful in this instance.

M. Gambino agreed with the subcommittee idea.

G. DeBoer agreed as well.

D. Glennon noted he is also interested in volunteering for the subcommittee

M. Gambino noted on the city's website does not easily provide the information being sought about TDR. It would be great to publicly track the funds.



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5. STAFF COMMENT

- No applications were submitted for the February 25 meeting, so no meeting until March 11.
- There have been no TRCs since the last meeting.
- One upcoming TRC item on Feb. 20th:
 - Site Review for a proposal on Industrial Park Road. Proposal is for a ± 27,040 s.f. seasonal automobile storage and maintenance facility.
- Community listening sessions have been conducted for CDBG. Still an opportunity to provide input on the Con Plan update on Polco.
- SRPC has a survey out about a regional master plan.
- Planning's budget presentation will be March 5th.

6. MEMBER COMMENTS

- M. Gambino
 - Submitted a letter to the City Council in support of Councilor Cullen remaining on the Planning Board
- K. Pimental
 - City Staff dealt with a water main break over the weekend along with snow clean-up
- K. Mavrogeorge
 - Agreed and acknowledged the staff in their efforts.
 - Commented on the City's aging infrastructure
 - Explanations on the water leak issue
- The Chair signed the following:
 - Lot Line Adjustment for Cocheco Street properties.
 - City of Dover Site Plan for Engineering and Inspection Services building on Mast Road.
 - City of Dover Site Plan for the Dover Public Library renovation and upgrades.

7. ADJOURNMENT

Motion: G. DeBoer moved to adjourn at 8:42p.m. Seconded by K. Mavrogeorge. Vote U/A.