

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, January 28, 2025**
Meeting Time: **7:00 pm**

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

Members on Phone: Fergus Cullen (Councilor)

Members Not Present (excused): George DeBoer, Tom Clark, Mallory Strange (Alternate), Jeff Sanborn (Alternate)

Staff Present: Donna Benton, Planning Director

Gina Cruikshank (Chair) called the meeting to order at 7:00p.m. and noted that Councilor Cullen is participating in the meeting by telephone.

1. CITIZENS' FORUM

Citizens Forum Open

Caitlin Wilkie, 568 Sixth St expressed concerns about the TDR program and education around the program. She described some clarifications she has received from staff and how she feels that contradicts the way TDR items have been handled at Planning Board level. If the staff and board are interpreting the code beyond its written language, then the language needs to be updated to maintain fairness and legality. She is also concerned about the TDR fees and how the funds have been used. She asked for transparency in this process. She asks the board members to take the time to fully understand the repercussions their decisions have on residents – especially with TDR.

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- January 11, 2025 Special Meeting Minutes and January 14, 2025 Regular Meeting Minutes

Motion: K. Mavrogeorge moved to approve the special meeting minutes of January 11, 2025 and regular meeting minutes of January 14, 2025. Seconded by: D. Glennon.

Roll Call Vote: Passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

3. OLD BUSINESS

4. NEW BUSINESS

- A.** Consideration and acceptance of a Lot Line Adjustment for Robert S. Mairs Revocable Trust, George Maglaras & Robert S, Mairs Trustee, & George Maglaras, Assessor's Map 24, Lots 141, 140 & 139, zoned CWD, located at 5, 11, and 31 Cocheco Street. *(LOTA-2024-0013)

D. Benton explained that the applicant is proposing a lot line adjustment to revise the lot lines between abutting properties located at 5 Cocheco St. (Map 24, Lot 141), 11 Cocheco St. (Map 24, Lot 140), and 31 Cocheco St. (Map 24, Lot 139).

F. Cullen disclosed that he has a professional relationship with Kevin McEneaney's firm who surveyed the property for this application, and he is a client of Mr. McEneaney's company. He does not have any financial, personal, or professional interest that would create a conflict of interest in relation to this application. His evaluation of this application is unbiased and impartial. If any member of the Planning Board objects to his participation with this application, he asked them to say so. (No one spoke)

This lot line adjustment dissolves lot 140 and adds $\pm$ 3,889 square feet to lot 139 and $\pm$ 4,176 square feet to lot 141. Each lot's frontage and compliance with underlying zoning regulations (CBD-G and CWD) will remain post-adjustment.



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

Kevin McEneaney, McEneaney Survey, represented the application noted three abutting lots are proposed to adjust the lot lines. He listed the ownerships of the lots and noted though the total square footages of the two proposed lots will not be equal, they will each have equal frontages and waterfronts.

K. Pimental asked about the boundary of the zoning districts and how the adjustment of the lot line now puts one of the proposed lots in two different zoning districts.

D. Benton clarified that the rule is that the lot will have zoning regulations based on which district the majority of the lot encompasses, though the regulations allow for a change of zoning of moving the boundary 50' for that lot if necessary for a future use.

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

Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

Citizens Forum Open

No one spoke

Citizens Forum 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:

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:
 - 1.1. Planning File Number #LOTA-2024-0013
 - 1.2. The owner's signatures
 - 1.3. City Assessor confirms lot numbering.

Motion: M. Gambino moved to approve the Lot Line Adjustment with subsequent conditions set by staff as it meets criteria. Seconded by: K. Mavrogeorge.

Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

- B.** Consideration and acceptance of Transfer of Development Rights for 5 Sherman Street, LLC, Assessor's Map 19, Lot 8, zoned R-12, located at 103 Court Street. (Proposal is to purchase four (4) units through TDR.) *(TRAN-2024-0011)
- C.** Consideration and acceptance of Site Review for 5 Sherman Street, LLC, Assessor's Map 19, Lot 8, zoned R-12, located at 103 Court Street. (Proposal is to maintain an existing single-family dwelling, construct a two-family dwelling that is deed-restricted to Fair Market Rent, and construct four (4) new size-restricted single-family homes for a total of seven (7) dwelling units. *(SITE-2024-0012)



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Motion: M. Gambino moved to remove this item from the table. Seconded by: D. Glennon.

Roll Call Vote: Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes

D. Benton explained that the applicant is proposing a residential project consisting of five residential units by purchasing two size restricted units through TDR. This item was before the board, accepted and tabled on December 10th, but the plan has been revised since then. The agenda reads as it does because this item was a continuance.

The proposal includes renovation of the existing single-family dwelling and the construction of four single-family “cottage” dwelling units. The duplex has been removed from the proposal and the applicant is requesting to purchase two units through TDR which will be size restricted to 1,400 sq ft.

A Site Visit was conducted on January 11, 2025, to allow staff, Planning Board members, and members of the public to review the site in person, observe existing conditions, and be able discuss how the proposed development aligns with the surrounding area and zoning requirements.

The applicant provided previous iterations of this proposal for increased units on the subject property. The applicant is now proposing a decrease in total units, an increase in perimeter screening, and a change to the site layout with the “cottage” units and access driveway being shifted further from the side property boundaries.

The existing lot, Assessor’s Map 19, Lot 8, contains one single-family dwelling. The current Zoning Ordinance permits the use of the Transfer of Development Rights ordinance (TDR) in the R-12 zone, but specifies that the applicant must apply single-family density for the creation of additional single-family homes. As the applicant is proposing single-family density, the single-family yield calculation has been used and has resulted in a base density calculation of three units. This, therefore, means that the remaining two sought units could be granted if the Planning Board votes to approve the use of TDR.

Per the applicant’s plan, the existing single-family home will be renovated and remain, and four single-family “cottage” dwelling units will be constructed. Two of the cottage units are proposed to be size-restricted to 1,400 square and purchased through TDR.

Because of the change of plans, the board can take action on the TDR request tonight but staff recommends the second item could be tabled so it can go to TRC.

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

The Board has received comments tonight. Staff has tried to respond and reference the correct areas of the TDR code and try to ensure the public is informed.

Robert Baldwin, 5 Sherman St LLC represented the application and confirmed they are expecting to table the second request tonight to take the proposal to TRC.

He highlighted the changes to the plans: removed the duplex, straightened the driveway, noted the 25’ cemetery setback, included a detailed landscape plan showing the screening, and fencing adjustments. He described some other development options that they considered.

Board members asked clarifying questions of the applicant which were addressed. Topics included storm water, size restrictions (all four units are proposed restricted to 1,400 sf), ownership vs rental status.

The applicant reviewed the development options again while the plans were shown on the screen.



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The TDR buffer was discussed and clarified that based on the plans presented and the section of the code they are developing under, the 30-foot buffer is not a requirement.

Public Hearing Open

Hilary Hamer, 91 Court St believes the 30-foot buffer does apply for this proposal and explained her reasoning and handed out a paper to the board members. She asked the board which residential performance standard applies to this project and why. She asked for an explanation for when the buffer does apply to residential TDRs. She believes this proposal is unlawful and unreasonable, that a buffer applies and has not been provided. She highlighted the state's definition of subdivision.

Merlin Mason, 91 Court St is concerned about the proposed increase to density, is in favor of the buffer, and he explained he and his wife want real neighbors in real homes.

Dorna Hamer, 18 Tuttle Ln is opposed to the project and is in favor the buffer. The parent lot is the existing lot. This density is out of place in this neighborhood. The TDR rules are vague, and this project should be put on hold until those can be clarified.

Keith Hamer, 18 Tuttle Ln is opposed to the project noting many of the neighbors and abutters have written to the office in opposition. If the board tables the item, he asks that the public hearing be tabled so it can be continued.

Caitlin Wilkie, 568 Sixth St is in opposition to the project. TDR is to be used to restrict density to appropriate locations and protect other areas. She agrees the buffer should apply. Proposed cottages have no consistency with the existing homes on the street. The proposal is also too dense for the neighborhood. She asked this proposal to be denied.

D. Benton noted emails were received from some who have already spoken tonight and summarized one from Lisa O'Grady of 100 Court St.

Public Hearing Closed

D. Benton addressed public comment:

- She gave an explanation of the two sections of the TDR ordinance with different options and how they apply to this application.
- She explained a lot restoration for four lots at Locke St and Tranquility Way and the density options for those lots being more so than the current proposal.
- She discussed that some projects have the buffer and some do not. She appreciates the table provided by the resident, but it is not 100% accurate. Staff can review and comment.
- Why this proposal isn't a subdivision: In Dover, condominiums don't fall under subdivision. Dover subdivisions are focused on fee simple lot lines, rather than form of ownership.
- The 30' buffer is not required because they are proposing units instead of fee simple lots.

Board members continued discussion about condominiums, 30-foot buffer applications to some types and not others, tightening up the zoning regulations as part of the review to require the buffer for consistency, allowed density by right, considering the reasons for a no-cut buffer and utilizing their ability to have applicants create buffers where they don't exist.



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STAFF RECOMMENDATION - TDR

§170-29 provides for additional density to be purchased through Transfer of Development Rights. This application meets the ordinance.

Section 170.29G(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.”*

Section §170-29 provides for additional density to be purchased through Transfer of Development Rights, provided that four criteria are met: The proposal is consistent with the Master Plan; is compatible with the land uses on neighboring lots; is created on property served by public water and sanitary sewer; and not seeking permitted relief caused by additional density. This application meets the criteria.

Specifically, the lot is served by water and sewer, and the Master Plan supports housing diversity and encourages creating housing in walkable neighborhoods which encourage community engagement. Regarding the requested density, it is in line with neighboring land uses and development. The proposal is for single-family homes, and there are single- and two-family homes in the immediate area. Currently, the parcel has a single unit, and by right, the unit could be converted to a two-family dwelling unit. The applicant is proposing five total residential units, or an increase of four units. On the adjacent parcel at 109 Court Street, that and the three lots that were created from it, all meet the zoning to allow two-family units. These four lots equate to a similar-sized area, (1.5 acres), and with no Planning Board review, eight units could be constructed by right where one unit exists today. In regards to TDR buffers, as 170-29.G(7) states, “A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty-foot no cut, no disturb buffer,” and the proposal is not indicating to subdivide or add new lot lines, staff’s interpretation has been that the buffer is not required. However, staff has continually asked the applicant to add more green space and screening as possible and to ensure the 25’ setback from the cemetery has been met. This revised plan meets those requests.

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. A Site Plan application is required to be submitted for review and consideration;
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 up to two units for a maximum total of five units on the subject lot. The existing single-family unit and the proposed single-family dwellings may not be converted to a two-family dwelling without further review and approval by the Planning Board;”
4. The applicant provide a revised narrative including the latest TDR request;



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5. Add note indicating which units will be purchased as size-restricted units through the TDR ordinance and that a deed restriction is required.
6. The board may decrease the total unit count based on TRC review.

Comments by board members:

M. Gambino:

Noted she thinks the developer has shown good faith and adjusted the project to be more clearly aligned with concerns around the density. This is a 50% decrease in the number of requested TDR units from 4 to 2. This TDR project will support and promote the City's diversity of ages and income which is part of the master plan by building more attainable housing on this lot that might otherwise be allowed by right.

A public comment mentioned wanting to see somebody with a garden and the swing set in the backyard. The reality is that not everybody wants that in their yard and so there needs to be diversity of housing.

She referred to the discussion about the 30-foot buffer clouded this project for her and is now confident that staff gave the Board the right information and is looking forward to having further discussions about the TDR regulations.

This project is in a place where TDR is appropriate. She prefers to see the TDR here in the R-12 zone rather than the rural zone.

K. Pimental:

Diversity of housing is important and emphasized that not everyone wants the same single-family home on a certain sized lot. This project has gotten better with public, staff and Planning Board input.

K. Mavrogeorge:

The difference tonight is the Board is being asked to approve the number of units and table the plan so it can go to TRC. The plan is heading in the right direction, but additional work is needed. Any vote tonight on number of units does not approve any particular plan or development option.

Motion: K. Pimental moved to grant Transfer of Development Rights request based on the comments and conditions set by the Planning Department. Seconded by: K. Mavrogeorge.

Roll Call Vote: Motion passed 5-1 (Cruikshank- yes, Glennon- no, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

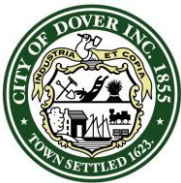
Motion: M. Gambino moved to table the site plan. Seconded by: K. Mavrogeorge.

Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

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

D. Consideration and acceptance of a Minor Subdivision for Allen & Major Associates, Inc., (Owners: 114 Silver Street Group, LLC), Assessor's Map 12, Lot 148, zoned HR, located at 114 Silver Street. (Proposal is to subdivide the parcel to make one (1) new lot for a total of two (2) lots.) *(SUBM-2024-0001)

E. Consideration and acceptance of a Conditional Use Permit for Allen & Major Associates, Inc., (Owners: 114 Silver Street Group, LLC), Assessor's Map 12, Lot 148, zoned HR, located at 114



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Silver Street. (Proposal is to convert a single-family residential home to a 4-unit residential dwelling within the Heritage Residential Zoning District.) *(COND-2024-0011)

F. Consideration and acceptance of a Conditional Use Permit for Allen & Major Associates, Inc., (Owners: 114 Silver Street Group, LLC), Assessor's Map 12, Lot 148-1, zoned HR, located at 114 Silver Street. (Proposal is to construct a new 4-unit, residential dwelling in the Heritage Residential Zoning District.) *(COND-2024-0012)

G. Consideration and acceptance of a Site Review for Allen & Major Associates, Inc., (Owners: 114 Silver Street Group, LLC), Assessor's Map 12, Lot 148 & 148-1 zoned HR, located at 114 Silver Street. (Proposal is to convert an existing single-family home into a 4-unit residential dwelling on the parent lot and to construct a 3-story, 4-unit residential dwelling on the proposed subdivided lot with eight (8) associated parking spaces for each building.) *(SITE-2024-0006)

D. Benton explained that the applicant is proposing to convert an existing single-family home into a 4-unit residential dwelling on one lot and to construct a 3-story, 4-unit residential dwelling on a proposed subdivided lot.

The existing residential structure and new residential structure have been designed to appear as single-family homes facing Silver Street. The applicant provided an architectural narrative to explain adherence to guidelines set forth in the Dover Historic Preservation Guide including traditional materials and detailing.

The access driveway for the project, currently on Silver Street, is proposed to be moved to Rutland Street. The proposal includes 16 total surface parking spaces behind the residential structures with perimeter landscaping and fencing.

Within the Heritage Residential (HR) Zoning District, any conversion or creation of a structure to a 3-4 family dwelling, must meet the required criteria of a Conditional Use Permit (CUP). Two related CUPs have been submitted as part of this project (COND-2024-0011 and COND-2024-0012).

The applicant has also submitted a related Minor Subdivision application that proposes a subdivision of the subject lot at 114 Silver St., creating one new lot for a total of two lots (Assessor's Map 12, Lots 148 & 148-1). Lot 148 will be approximately 11,650 square feet and Lot 148-1 will be approximately 10,690 square feet.

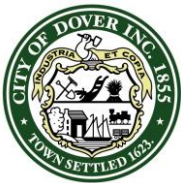
The Technical Review Committee reviewed the application at their July 18, 2024, September 5, 2024, October 31, 2024, and November 21, 2024 meetings.

Tom Toye, owner, Arthur Thomas Properties and Michael Malynowski, Allen and Major represented the application.

Mr. Toye noted he and his wife purchased the property a year ago with the intent to develop it as a multi-family. He explained the experience they have with development. The intent was to repurpose the barn, but that was not viable. They intend to keep the property and manage it as part of their portfolio which includes other properties within that neighborhood.

They have looked at many options before bringing this proposal to the board. They made an effort to work the project within the confines of the ordinance. They did not seek any variances or TDR.

Mr. Malynowski addressed the engineering and technical aspects of the project.



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K. Mavrogeorge noted the Engineering staff is not in favor of the subdivision of the lots as new, separate sewer lines will be required for each lot. He asked that the applicant address the reasoning for the subdivision.

Mr. Malynowski clarified there will be two separate lines from Rutland. There will also be two separate water lines.

M. Gambino asked about the unit sizes and why two 500+ sq ft units are proposed rather than a large unit. Mr. Toye addressed the four 1-bedroom units in the existing structure and two 1-bedrooms and two 2-bedrooms in the new structure. Their research shows a need for small units.

Motion: K. Pimental moved to accept the four applications and declared no regional impact. Seconded by: K. Mavrogeorge.

Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

Public hearing opened.

Deborah Child, 8 Rutland St provided a letter last week. She has concerns about the cut out on Rutland St due to safety. Additional concerns about traffic, transient population living nearby, and the carriage house is historic and doesn't want it removed.

Liz Goldman, 44 Rutland St is in favor of density but this seems too much. She is concerned about the design being too 'cookie cutter'.

Patty Diengott, 35 Rutland St is concerned about the traffic on Rutland St particularly at that corner. Safety is a real concern there. It is a high density street where people go way too fast at that corner. There are multiple developments in progress in that area.

Bob Gelinas, 15 Rutland St noted the historical aspects of the City and the wonderful carriage house on the lot. He is concerned about the proposed curb cut on Rutland with the added traffic and safety impacts.

D. Benton listed the emails received to the office and summarized the concerns.

Public hearing closed.

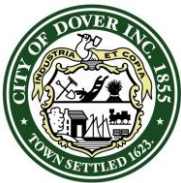
D. Benton addressed public comment:

- Traffic study/ Technical Review Committee
- Right-out only from driveway option deemed unwarranted by Traffic Bureau and Police Dept
- As the City does not own the property, they have no say in what happens to the carriage house
- Described the iterations of plans and discussion the Planning staff has had with the applicant

Chair Cruikshank noted that property owners have rights and the Planning Board does not have the authority to tell a property owner they have to keep a building or not. They are allowed to do what they want with the property within the regulations.

She also noted the board follows the rules and regulations. Sometimes they may personally agree with the public comment, but have to act as a board member within the regulations.

She appreciates the applicant's efforts in the design. The buildings look different from each other and look like single-family homes.



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Board members discussed the following;

- Carriage house options
- Guidance on traffic
 - Individual projects don't show an impact, but collectively they do
 - Is there any staff guidance that can inform the Board on a wider scope
 - Lengthy discussion/ information given by K. Mavrogeorge
- Historic area alongside necessity of diversity of housing

STAFF RECOMMENDATION- Minor Subdivision

The plan is consistent with §157-17 of the City of Dover's Land Subdivision Regulations, which provides for subdivision of existing lots.

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 which additionally shall include:
 - 1.1. The owner's signatures for recording at Strafford County Registry of Deeds;
 - 1.2. Include the Planning File #: SUBM-2024-0001;
 - 1.3. The stamp and signature of the LLS on the final plans;
 - 1.4. Confirm lot numbering with City Assessor.
2. Provide copies of easements between the two lots for access, and utilities.

Motion: K. Pimental moved to approve the Minor Subdivision with conditions detailed by staff as it meets the criteria of 157. Seconded by M. Gambino.

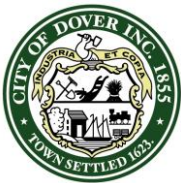
Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

STAFF RECOMMENDATION- Conditional Use Permit, HR District, Conversion of existing dwelling to accommodate not more than 4 units

§170-20.B(1) of the Zoning Ordinance allows for Conditional Use approval for relief from the standards herein which 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:

Conversion to, or creation of Dwelling, 3-4 Family: Three- or four-family dwellings and conversions of existing dwellings to three (3) or four (4) units shall be subject to the following regulations:

- a. *The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the HR District that are wholly or partly within two hundred (200) feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.*
- b. *Off-street parking, in accordance with Chapter 153, Site Review, shall be provided as to avoid vehicles backing into the street. Two (2) parking spaces per unit shall be required.*
- c. *Parking lots shall be at least five (5) feet from a side property line and ten (10) feet from a front property line.*
- d. *Parking areas shall be screened from the street and from abutting lots.*



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- e. *Structures shall be at least twenty (20) feet from a front property line, thirty (30) feet from a rear property line and fifteen (15) from a side property line unless abutting a street, in which case, the distance from the side property line shall be twenty (20) feet.*
- f. *For new construction, the building must be designed to look like a single-family dwelling. At a minimum, this shall mean that only one entrance shall be visible from a public street. For conversions, the building must retain its appearance as a single-family dwelling or a 2-family dwelling, whichever is the current use. notwithstanding any other provision of Chapter 170, a legal or legal non-conforming accessory structure existing as of the effective date of these regulations may be converted into one or more residential units, provided that the building shall not be enlarged, nor shall any exterior improvements be made to alter its appearance as an accessory structure.*

The applicant assesses the average open space within 200' of the subject property to be 57.3%, which per the submitted Drainage Report and site plan pages C-102 & C-107, this CUP request complies with. Staff feels the parking requirements, (criteria B, C, & D), were met during TRC review, with the applicant providing the required number of spaces, adequate screening, and parking space setbacks as prescribed in criterion C. Setbacks, per the applicant's submitted plan, are compliant with criterion E, and the existing structure's appearance adheres to the aesthetic specifications detailed in criterion F.

Chapter 170-19.B.2 also lists three criterion for granting a non-environmental CUP for relief. Staff feels this proposal meets those criteria which include:

- a. *The requested use shall be compatible with abutting uses and the surrounding neighborhood.*
- b. *The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.*
- c. *The requested use will not result in objectionable noise or odor which would constitute a nuisance.*

The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and vote to approve the application with the following subsequent conditions:

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

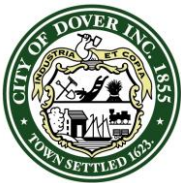
1. Include sheet C107 from related site plan (SITE-2024-0006) in CUP plan set.
2. Amend sheet C107 to include site-specific open space calculations for both lots, post subdivision.
3. Work with the Planning Department to endorse a development agreement per Chapter 170-19.C and then record at SCRD. The development agreement shall include a contribution for the RRFB at Belknap St.

Motion: M. Gambino moved to approve the Conditional Use Permit with conditions as it's consistent with regulations. Seconded by K. Pimental.

Discussion about the regulation in the zoning ordinance of requiring two parking spaces per unit in the Heritage District. Staff will look into this. At the time it was added, it is what the residents of that district wanted, but public opinion might have changed since and it seems in opposition to what Dover is doing in other districts.

Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

STAFF RECOMMENDATION- Conditional Use Permit, HR District, Creation of a 3–4-unit dwelling



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, January 28, 2025**
Meeting Time: **7:00 pm**

§170-20.B(1) of the Zoning Ordinance allows for Conditional Use approval for relief from the standards herein which 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:

Conversion to, or creation of Dwelling, 3-4 Family: Three- or four-family dwellings and conversions of existing dwellings to three (3) or four (4) units shall be subject to the following regulations:

- a. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the HR District that are wholly or partly within two hundred (200) feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.*
- b. Off-street parking, in accordance with Chapter 153, Site Review, shall be provided as to avoid vehicles backing into the street. Two (2) parking spaces per unit shall be required.*
- c. Parking lots shall be at least five (5) feet from a side property line and ten (10) feet from a front property line.*
- d. Parking areas shall be screened from the street and from abutting lots.*
- e. Structures shall be at least twenty (20) feet from a front property line, thirty (30) feet from a rear property line and fifteen (15) from a side property line unless abutting a street, in which case, the distance from the side property line shall be twenty (20) feet.*
- f. For new construction, the building must be designed to look like a single-family dwelling. At a minimum, this shall mean that only one entrance shall be visible from a public street. For conversions, the building must retain its appearance as a single-family dwelling or a 2-family dwelling, whichever is the current use. notwithstanding any other provision of Chapter 170, a legal or legal non-conforming accessory structure existing as of the effective date of these regulations may be converted into one or more residential units, provided that the building shall not be enlarged, nor shall any exterior improvements be made to alter its appearance as an accessory structure.*

The applicant assesses the average open space within 200' of the subject property to be 57.3%, which per the submitted Drainage Report and site plan pages C-102 & C-107, this CUP request complies with. Parking requirements, (criteria B, C, & D), were met per TRC review, with the applicant providing the required number of spaces, adequate screening, and parking space setbacks as prescribed in criterion C. Setbacks, per the applicant's submitted plan, are compliant with criterion E, and the proposed, (revised from previous versions), architecture, in staff's opinion, meets the criterion F's requirements, and is consistent with neighboring historic architectural design.

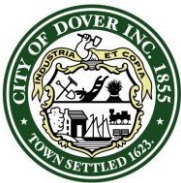
Chapter 170-19.B.2 also lists three criterion for granting a non-environmental CUP for relief. Staff feels this proposal meets those criteria which include:

- a. The requested use shall be compatible with abutting uses and the surrounding neighborhood.*
- b. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.*
- c. The requested use will not result in objectionable noise or odor which would constitute a nuisance.*

The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and vote to approve the application with the following subsequent conditions:

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

1. Include sheet C107 from related site plan (SITE-2024-0006) on CUP plan set.
2. Amend sheet C107 to include site-specific open space calculations for both lots, post subdivision.
3. Work with the Planning Department to endorse a development agreement per Chapter 170-19.C and



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then record at SCRD. Said development agreement shall also include contribution to RRFP system at Belknap St.

Motion: M. Gambino moved to approve the Conditional Use Permit with conditions as it's consistent with regulations. Seconded by K. Mavrogeorge.

Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

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 Plans:

1. Approval of COND-2024-0011;
2. Approval of COND-2024-0012;
3. Approval of SUBM-2024-0001;
4. Confirm lot numbering with City Assessor.
5. Confirm building addressing with Building Official.
6. Draft utility and access easement to be reviewed by the Planning Department.
7. Sewer services for each building must be independent and to the satisfaction of the Community Services Department or a waiver must be approved through the Dover Utilities Commission.
8. Provide letter from pest control management professional regarding whether pest control management plan is needed per Chapter 153-10.G.
9. Provide physical and digital copies (including CAD) of complete plan set for final Planning Board signature which additionally shall include:
 - 9.1. Owner's signatures;
 - 9.2. Professional stamps and signatures;
 - 9.3. Amend sheet C107 to include site-specific open space calculations for both lots, post subdivision.
10. Add note to eliminate any conflicts between the proposed sanitary sewer and the stormwater system and confirm existing sewer line condition to the satisfaction of the Office of the City Engineer.

Subsequent Condition to Be Met Prior to Construction:

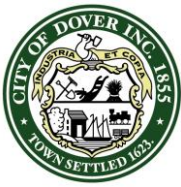
11. If pest management is needed per letter from pest management professional, then pre-baiting or any other recommendation occur.
12. City's standard site construction sign with the contact information for the general contractor must be displayed in a location approved by the City Engineer or Planning Director;

Subsequent Condition to Be Met Prior to Building Permit:

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

Subsequent Conditions to Be Met Prior to Occupancy:

14. Issuance of Certificate of Occupancy;
15. Surety or other form of security acceptable to the City is provided for any unfinished work;
16. Contribution for RRFB has been paid to the City per Development agreement.
17. 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.



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Discussion occurred on sewer lines in relation to the existing tree that is staying and the buffers.

Motion: M. Gambino moved to approve the Site Plan with subsequent conditions set by staff as it meets criteria. Seconded by: K. Pimental.

Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

5. STAFF COMMENT

- Director Benton announced that a discussion and training on TDR, ADUs and Planning Board roles has been scheduled for the next regular Planning Board meeting on Feb. 11, 2025.
- There have been no TRCs since the last meeting and no upcoming TRCs are scheduled.
- Land Use Chapter update kicked off last night with a steering committee meeting
- Community listening sessions for CDBG
- Thank you to Ryan Pope as Housing Navigator- he has taken a job with NH Housing
- Hiring a Housing Planner
- An email came in about McDonald's and was in the board packets

6. MEMBER COMMENTS

- The Chair signed the following:
 - Lot Line Adjustment for 3 and 59 Spur Rd.
 - Lot Line Adjustment for 120 Garrison Rd. and 20 Seaborne Dr.
 - Plans for Conservation District Conditional Use Permit for 167 Spur Rd.
- Appointed the following to the Steering Committee for the Land Use Chapter update:
 - Anna Boudreau, or representative of the Open Lands Committee (in place of a Conservation Commission member)

7. ADJOURNMENT

Motion: K. Mavrogeorge moved to adjourn at 9:08p.m. Seconded by M. Gambino.

Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)