

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

Members Present: Gina Cruikshank (Chair), Doug Glennon (Vice Chair), Ken Mavrogeorge, Kyle Pimental, George DeBoer, Jeff Sanborn (Alternate), Tom Clark, Fergus Cullen (Councilor)

Members Not Present (excused): Melina Gambino,

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

Gina Cruikshank (Chair) called the meeting to order at 7:00p.m. and noted Jeff Sanborn would sit for Melina Gambino.

1. CITIZENS' FORUM

Citizens Forum Open

No one spoke

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- February 11, 2025 Regular Meeting Minutes

Motion: F. Cullen moved to approve the regular meeting minutes of February 11, 2025. Seconded by: K. Mavrogeorge. Vote: U/A

3. OLD BUSINESS

None

4. NEW BUSINESS

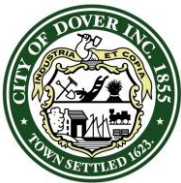
- A.** Consideration and acceptance of an Extension Request for Bruton & Berube, PLLC (Owners: Harlech, LLC), Assessor's Map 31, Lot 5, zoned CBD-T, located at 47 Chestnut Street. (Proposal is request for extension of approvals for Site Plan P21-84 and CUP P21-85.) *(WAIV-2025-0001)

D. Benton explained that the applicant previously submitted a twelve-month extension of approvals for Site Plan P21-84 and CUP P21-85 to construct a 173-unit multi-family residential building with commercial space at 47 Chestnut St. The previous request cited high interest rates and construction costs as a justification for the extension and the Board granted the request on April 23, 2024. The applicant now seeks an additional twelve-month extension, citing the same reasons, high interest rates and construction costs, which necessitate this second extension so the applicant may meet the conditions of approval set forth in the Board's May 11 and May 17, 2022 Notices of Decision.

While high interest rates and construction costs pose challenges to the project's viability, it is crucial for the applicant to demonstrate a good-faith effort towards initiating the project. Staff acknowledges the difficulties these factors present, but similarly would like assurance that the applicant is pursuing options to have the site redevelopment happen in the short term.

FX Bruton, Bruton and Berube, represented the application and explained the request. He requested the impact fees for the project be nullified as part of the board's review of zoning changes this evening.

He addressed questions from the board relating to the barriers of getting projects like these started/completed, the proposed timeline for this project to get started, assurances not provided to staff that the applicant is pursuing options to have the site redeveloped in the short term, proposed zoning changes should not affect this project, status of existing building on site relating to building code, getting the existing



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

structure demolished and prepping the site for development in the near future, clarification that the owner is the developer for the project.

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

Public hearing opened.

No one spoke

An email received from Mr. McManus was summarized by staff.

Public hearing closed.

STAFF RECOMMENDATION:

With the above taken into consideration, the Planning Department recommends the Planning Board make the necessary and supporting findings of fact and vote to grant the Vesting Extension Request for both the Site Plan (P21-84) and Conditional Use Permits (P21-85 and P22-29) with the same conditions of approval as outlined in the original Notices of Decision, and additionally that the applicant confirm life safety code is being adhered to on site to the satisfaction of the Fire Chief.

The applicant understands the conditions and they seem reasonable.

Motion: T. Clark moved to grant the Extension Request for both the Site Plan and Conditional Use Permits with the same conditions of approval as outlined in the original Notices of Decision, and additionally that the applicant confirm life safety code is being adhered to on site to the satisfaction of the Fire Chief and with the understanding that no further extensions of the vesting period will be applied for. Seconded by K. Mavrogeorge. Vote: U/A

- B.** Consideration and acceptance of a Conditional Use Permit for Bruton & Berube, PLLC, (Owners: Hawkins Family Revocable Trust), Assessor's Map 30, Lot 88-1, zoned CBD-M, located at 33 ½ Sixth Street. (Proposal is to remodel the interior of the structure, with no external impact, to utilize the structure as a two-unit residential structure.) *(COND-2025-0003)

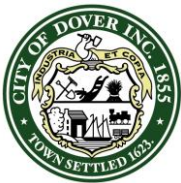
F. Cullen recused himself from the item as a member of his household has a relationship with the applicant.

D. Benton explained that the applicant is proposing a CUP to convert an existing single-family home into a two-unit residential structure. The property is primarily within the Central Business District Mixed-Use (CBD-MU) Sub-District, with a small portion in the Urban Density Multi-Residential (RM-U) District.

Within the CBD district, conditional use approval for relief may be granted by the Planning Board, provided that the proposed project complies with the following standards:

- (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 CBD-MU zone allows up to ten units on a lot with a minimum of 5,000 square feet per unit. The applicant is requesting a CUP to allow two (2) units on the ±5,000 square foot lot (or 2,500 square feet per unit). The applicant is only proposing interior alterations and proposes one parking space for the existing unit and two parking spaces for the new unit.



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

FX Bruton, Bruton and Berube, represented the application and explained the request. He highlighted the shared ownership of the two lots, plans to create a two-bedroom unit in the basement level of the single-family home, parking details, and additional housing added with no change to the exterior.

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

Public hearing opened.

No one spoke

Public hearing closed.

STAFF RECOMMENDATION: Non-Environmental CUP Criteria and CBD CUP Criteria

Chapter 170-19.B.2 outlines the criteria for granting a Conditional Use Permit for relief. Staff feels this proposal meets those criteria which include:

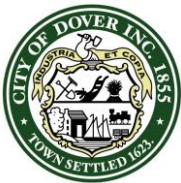
- (a) That both public and private buildings and landscaping shall contribute to the physical definition of rights-of-way as civic spaces.*
- (b) That development shall adequately accommodate automobiles, while respecting the pedestrian and the spatial form of public areas.*
- (c) That the design of 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 via a mixture of elements including windows, floor plan, and public and private space.*
- (f) That encourage civic buildings and other public gathering places 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.*
- (j) That if the relief is granted, the surrounding neighborhood is not negatively impacted.*

Staff feels the applicant has met said criteria as the proposal will not alter the exterior appearance of the building, impact public spaces or pedestrian safety, or change street design. The applicant has also explained adequate parking for the project; however, Planning Staff will expect a parking layout as a condition of approval.

Chapter 170-20.B.2 outlines the criteria for granting a Conditional Use Permit for relief within the Central Business District. 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 applicant's request to convert a single residential unit into two units complies with these standards, as the project proposes no exterior alterations and avoidance of nuisances or impacts to the neighborhood traffic pattern.



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

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. Provide a parking plan for all units at 31 Sixth St. (Map 30, Lot 88) and 31 ½ Sixth St. (Map 30, Lot 88-1).
2. Submit a copy of the easement granting parking and access to 31 Sixth St. (Map 30, Lot 88) for units at 31 ½ Sixth St. (Map 30, Lot 88-1).
3. Work with the Planning Department to endorse a development agreement per Chapter 170-20B(3) and then record at SCRD.

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

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

- C.** Consideration and acceptance of a Conditional Use Permit for 16 Industrial Park, LLC, Assessor's Map G, Lot 4-1, zoned CM, located at Industrial Park Road. (Proposal is for the construction of a stormwater management system and associated site grading for a seasonal automobile storage and maintenance facility, resulting in 6,830 ± s.f. of wetland buffer impacts.) *(COND-2025-0001)
- D.** Consideration and acceptance of a Site Plan for 16 Industrial Park, LLC, Assessor's Map G, Lot 4-1, zoned CM, located at Industrial Park Road. (Proposal is for a ± 27,040 s.f. seasonal automobile storage and maintenance facility.) *(SITE-2025-0001)

D. Benton explained that the applicant is proposing to construct a Seasonal Automobile Storage and Maintenance Facility on a vacant lot on Industrial Park Road (Assessor's Map G, Lot 4-1). The proposed development will be an approximately 27,040 square foot structure and the primary use for the business is a specialty automotive storage facility with an on-site mechanic.

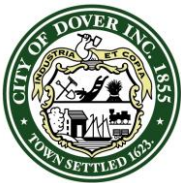
As part of the stormwater management system and associated site grading for the project, there are approximately 6,830 square feet of wetland buffer impacts being proposed. The applicant has also applied for a related City of Dover Conditional Use Permit (CUP) for these impacts.

Two (2) waivers are also being proposed as part of this project requesting relief from a signed landscape plan and post-development surface water runoff volume.

The Zoning Board of Adjustment approved a Special Exception for the proposed use, (ZONE-2025-0003), on February 20, 2025.

The Technical Review Committee reviewed the application at their February 20, 2025 meeting and the Conservation Commission reviewed and endorsed the application at their February 10, 2025 meeting.

Chad Kageleiry, Dover Neck Rd, property owner expressed interest in moving this project along as soon as possible and explained the history of the business and why the business owners intend to expand into their own building. He noted some City stormwater that the applicant has agreed to manage on the site. The owner of the business addressed questions from the board relating to number of cars projected to be housed in storage (20-130 cars).



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

Motion: D. Glennon moved to accept the applications and declared no regional impact. Seconded by: J. Sanborn. Vote: U/A

Public hearing opened.

No one spoke

Public hearing closed.

STAFF RECOMMENDATION: Conditional Use Permit

The Wetlands Protection District ordinance §170.28.F provides for Conditional Use Permits to allow impacts to the Wetlands Protection District if standards related to demonstration that no practicable alternative is available, impact avoidance was considered, impacts were minimized, mitigation has been sought, and approval of the wetlands impact from NHDES Wetlands Bureau has been granted.

Planning Staff feels that the applicant considered and met all of the criteria as specified in §170-28.F per their narrative. The applicant explained there is no practicable alternative with less impact on the area. The site design avoids wetlands and minimizes wetland buffer impacts by considering existing slopes, seasonal high-water levels, and soil types. The proposed project does not require state mitigation and the applicant does not require approvals from the NHDES Wetlands Bureau but the proposal has been reviewed and endorsed by the Conservation Commission.

The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and to approve the Conditional Use Permit with the following conditions:

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

1. Approval of SITE-2025-0001;
2. Add note to plan that copies of the EPA Construction General Permit will be submitted to the Planning Department once received.

K. Mavrogeorge addressed questions about the storm water management system.

Motion: D. Glennon moved to approve the Conditional Use Permit with subsequent conditions set by staff as it meets the standards outlined. Seconded by T. Clark. Vote: U/A

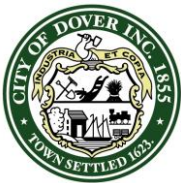
STAFF RECOMMENDATION - Waivers/Relief:

§153-21 of the Site Plan Review Regulations state the “Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:

- (1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
- (2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.”

Planning Staff believes the applicant’s rationale for the waivers meets criterion (2) and waiving such standards and requirements will properly carry out the spirit and intent of the regulations.

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



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

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

1. Add a note that the Planning Board found the criteria of Chapter 153-21 have been met and the Board approved the following waivers:
 - §153-13.A (12) Landscape plan signed by LLA
 - §153-14A(3)(b)[4] Post-development surface water runoff volume

Motion: F. Cullen moved to grant the waiver requests with the subsequent conditions set by staff as it meets criteria for relief. Seconded by: G. DeBoer. Vote: U/A

STAFF RECOMMENDATION- Site Plan:

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

Subsequent Conditions to be Met Prior to Signing of Plans:

1. Approval of COND-2025-0001;
2. Provide approval from Community Services Director that second driveway access has been approved per §157-50.C(1);
3. Provide Unifil letter to serve;
4. Show adherence to Solar/Green Roof requirement within the CM Zoning District;
5. Provide physical and digital copies (including CAD) of complete plan set for final Planning Board signature which additionally shall include:
 - 5.1. Owner's signatures;
 - 5.2. Professional stamps and signatures;

Subsequent Condition to Be Met Prior to Construction:

6. 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 Conditions to Be Met Prior to Building Permit:

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

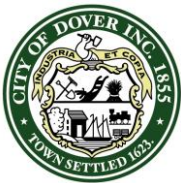
Subsequent Conditions to Be Met Prior to Occupancy:

8. Issuance of Certificate of Occupancy;
9. Surety or other form of security acceptable to the City is provided for any unfinished work;
10. 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: K. Pimental. Vote: U/A

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

- E.** Consideration and possible posting on the proposed Amendments regarding Chapter 153 (Site Plan Regulations). The full text of the amendments is available in the Planning Department and at www.dover.nh.gov located under meeting materials and on the Planning Department page*.
- F.** Consideration and possible posting on the proposed Amendments regarding Chapter 157 (Land Subdivision Regulations). The full text of the amendments is available in the Planning Department and at www.dover.nh.gov located under meeting materials and on the Planning Department page*.



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

- G. Consideration and possible posting on the proposed Amendments regarding Chapter 170 (Zoning Ordinance). The full text of the amendments is available in the Planning Department and at www.dover.nh.gov located under meeting materials and on the Planning Department page*.

D. Benton provided an overview of the proposed amendments, purpose for review and timeline and steps in the process. She introduced Paul Crouser, Zoning Administrator.

P. Crouser described the reason for the proposed amendments and itemized each amendment for the board. Board members asked clarifying questions, discussed the language and intentions and provided feedback.

Public hearing opened.

No one spoke

Public hearing closed.

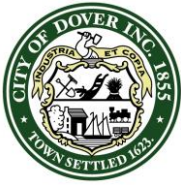
Motion: F. Cullen moved to post the amendments as presented and revised through tonight's discussion. Seconded by: D. Glennon. Vote: U/A

5. STAFF COMMENT

- TRC items since last meeting:
 - Feb. 20th: Site Plan, Industrial Park Road, Proposal for a ± 27,040 s.f. seasonal automobile storage and maintenance facility. (item heard at this meeting)
 - Feb. 27th: Site Plan, 181 Watson Rd., Proposal to construct a ±1,760 sq. ft. addition onto an existing 3,005 sq. ft. Professional Office Building.
- One upcoming TRC item on March 13th:
 - Site Plan, 30 Grapevine Dr., Proposal to construct a 3,694 s.f. McDonald's restaurant.
- Planning's budget presentation was on March 5th.
- The Planning Department, with assistant from Community Services, submitted a Housing Champion grant application for municipal infrastructure funds.
- A TDR webpage has been created on the Planning Department page with a list of all TDR applications received since 2018 with info on status, location, and links to materials.
- NH OPD is having a training on May 10th. Registration opens April 4th. Please let staff know if you are interested in attending.

6. MEMBER COMMENTS

- K. Mavrogeorge
 - Public Works week is in May. Open house will be May 17th
- The Chair signed the following:
 - City of Dover Site Plan for parking lot at 1 Grove St.
- Planning Board put out a call for individuals interested in serving on the Transfer of Development Rights Subcommittee. Chair acknowledges those who applied and thanks them for their interest in this important effort. The following individuals submitted applications:
 - Christopher Berry, Hilary Hamer, Kenneth Herd, Leslie Herd, Jan Nedelka, Caitlin Wilke
 - After careful consideration, the Chair has selected the following individuals to serve on the subcommittee:
 - Jan Nedelka, Christopher Berry, Leslie Herd
 - Additionally, Doug Glennon and Kyle Pimental will be the appointed Planning Board representatives.



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

- Comments provided by the applicants will be given to the committee members for review.
- The Chair opened the floor to any comments or objections from Planning Board members regarding these selections.

Motion: G. DeBoer moved to approve the appointees to the subcommittee as recommended by the Chair. Seconded by K. Mavrogeorge. Vote: All in favor with K. Pimental and D. Glennon abstaining

7. ADJOURNMENT

Motion: K. Mavrogeorge moved to adjourn at 9:07p.m. Seconded by D. Glennon. Vote U/A.