

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 25, 2025**
Meeting Time: **7:00 pm**

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

Members Not Present (excused): Kyle Pimental

Staff Present: Erin Bassegio, City Planner

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

1. CITIZENS' FORUM

Citizens Forum Open

Hilary Hamer, 91 Court st commented on proposed amendments to the zoning ordinance (minimum separation between buildings) and two concerns she has about the change: who will enforce the change, will this create an unintended barrier to development.

Scott Torr, 217 Durham rd commented on the proposed Grapevine Dr project that's in front of the TRC. The proposal is for a McDonalds with drive-thru and 24hr service. He gave information about phases of development in that area and his opposition to the proposal.

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- March 11, 2025 Regular Meeting Minutes

Motion: F. Cullen moved to approve the regular meeting minutes of March 11, 2025. Seconded by: T. Clark.
Vote: U/A

3. OLD BUSINESS

None

4. NEW BUSINESS

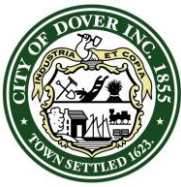
- A.** Consideration and acceptance of a Minor Subdivision for Berry Surveying & Engineering, (Owners: William G. & Julie A. Gowell) Assessor's Map B, Lot 23-B, zoned R-40, located at 39 County Farm Road. (Proposal is to subdivide one (1) lot into two (2).) *(SUBM-2025-0001)

E. Bassegio explained that the applicant is proposing to subdivide 39 County Farm Rd. (Assessor's Map B, Lot 23-B), creating one new lot. The parent parcel, Map B, Lot 23-B, is proposed as approximately 8.88 acres and the new lot, Map B, Lot 23-B-1, is proposed as approximately 0.92 acres.

As this proposal involves only a Minor Subdivision, no review was required by the Technical Review Committee.

Joe Berry, Berry Surveying and Engineering represented the application and explained the request to subdivide one lot into two lots. The proposal is to build a home on the new lot.

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



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Public hearing opened.

Matt Silva, 31 County Farm Rd and abutter asked the board not to take action tonight on the project. He gave some historical information about the survey done/ wetlands issues and conversations with NH DES. He believes that recent disturbance on the property would warrant an NHDES Alteration of Terrain permit. He would like the parcel reviewed for disturbance on the property and check for DES compliance before action is taken on the application.

Walter Woods, friend of applicants and likely builder of subject property noted at the time of the original sale, there were options of this being a 5 or 6 lot subdivision. This proposal is much smaller than what could have been here.

Public hearing closed.

Mr. Berry addressed public comment:

- Restoration period occurred in the 5-year time period
- DES letter of compliance December 2022
- Driveway location 2019 concept plan verses current proposal reasoning
- NH AOT permit

Board discussion with applicant:

- AOT look-back timeframe and disturbance calculations
 - Applicant can do some surveying and make calculation on disturbance within a few days
 - If disturbance is less than 100,000 sf in 10 years, AOT / DES review is not necessary
- Code is not consistent here – different standards to be met whether applicant is commercial or residential in relation to disturbance and storm water

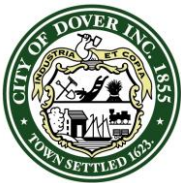
STAFF RECOMMENDATION: Minor Subdivision

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. Include the Planning File #SUBM-2025-0001;
 - 1.2. Confirmed lot numbering with City Assessor;
 - 1.3. Signature and stamp of LLS on the final plans;
 - 1.4. The owners' signatures for recording at Strafford County Registry of Deeds;
 - 1.5. A driveway permit must be submitted to the City of Dover for review and a driveway permit must be granted once all standards have been met;
 - 1.6. Add note that the new driveway would need to be designed in a way so that cars are not backing out into the ROW;
 - 1.7. Add note that County Farm Road cannot be completely shut down during construction or for the water line and that the applicant shall coordinate with Community Services and the Police Department;
 - 1.8. Provide copy of NHDES Subdivision approval;
 - 1.9. Remove notes 21, 22, and 23 on sheet 2 of 2;



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- 1.10. Add note that septic system must be 75' from wetland protection district;
- 1.11. Provide the calculation of the disturbed area within the past 10 years.

Subsequent Conditions to Be Met Prior to Issuance of Building Permit:

- 2. If found applicable, an AOT permit must be sought and approval provided.

Motion: M. Gambino moved to approve the Minor Subdivision with conditions detailed by staff as it meets the criteria. Seconded by K. Mavrogeorge. Vote: U/A

The Chair announced Items B & C would be heard together.

- B.** Consideration and acceptance of a Lot Line Adjustment for McEneaney Survey Associates, (Owners: Waterside Land Holdings, LLC, Scheller Family Trust, Jane M. Dugas 2011 Revocable Trust, Seth Rafael Gabarro & Anthony Philip Gabarro, and N. Miles Cook, III & Amanda Cook), Assessor's Map M, Lots 91-C, 90-A-6, 90-E, 90-K, 90-D-10, and 90-A-3, zoned R-40, located at Middle Road, 10, 12, 18, 20, and 22 Isaac Lucas Circle. *(LOTA-2025-0003)
- C.** Consideration and acceptance of a Minor Subdivision for McEneaney Survey Associates, (Owners: Waterside Land Holdings, LLC), Assessor's Map M, Lots 91-C, zoned R-40, located at Middle Road *(Proposal is to subdivide one (1) lot into three (3) lots, one (1) with no frontage and being conserved as open space.) *(SUBM-2025-0002)

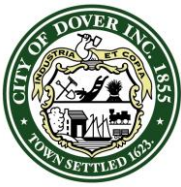
F. Cullen made a statement:

He has a professional relationship with Kevin McEneaney Survey Assoc and CivilWorks 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 with no influence from external parties. If any member of the Planning Board objects to his participation with this application, he asked them to say so. (No one spoke)

E. Bassegio explained that the applicant is proposing a lot line adjustment to revise the lot lines between abutting properties located at 10, 12, 18, 20, and 22 Isaac Lucas Circle and a vacant parcel off of Middle Road Map M, Lot 91C, which abuts each to the rear, adding portions of Parcel M-91C to each. Following the adjustments, each of the five lots along Isaac Lucas Circle will retain their existing frontage values, with lot coverage percentages decreasing for all. Additionally, four of the five lots along Isaac Lucas Circle will go from nonconforming to conforming lot size, as required in the R-40 district.

The applicant is also proposing to subdivide the vacant lot on Middle Road to create two new lots for a total of three lots. The parent parcel, Map M, Lot 91-C, is proposed to be approximately 12.05 acres, while the new proposed lots, Map M, Lot 91-D and Map M, Lot 91-E, are proposed as having approximately 6.87 acres and 30.57 acres respectively.

The applicant has identified the proposed lot, Parcel M-91-E, as a Conservation Lot and therefore this lot does not require frontage. From discussions with the applicant and property owner, Planning Staff understand that an easement for the Conservation Lot will be drafted in coordination with staff, the Conservation Commission, and Open Lands Committee and, if applicable, will be approved by City Council and recorded with the Strafford County Registry of Deeds.



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As these applications only involve a Lot Line Adjustment and Minor Subdivision, no reviews were required by the Technical Review Committee.

K. McEneaney represented the application and explained the request for lot line adjustments and 3-lot minor subdivision.

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

Public hearing opened.

Jim McKenna, 278 Middle Rd gave a history of the property. He commended the owner for proposing to put 30 acres into conservation and suggested the board accept the offer.

Jane Dugas, 18 Isaac Lucas spoke in favor of the proposal.

Chris Stevens, 14 Isaac Lucas noted the proposed road is in violation of the covenant of Brickyard Estates. The rest of the plan looks fine, but the road should be removed.

Miles Cook, 22 Isaac Lucas, applicant spoke to address Mr. Stevens' concerns. The easement issue is not related to these proceedings tonight. The application complies with all City codes.

Summarized by staff:

- Email received from Gary and Melissa Mamigonian, 291 Middle Road
- Legal memo received from Robert J Kendall, III on behalf of Chris Stevens, 14 Isaac Lucas Circle
- Note from Brickyard Estates HOA that no legal action will be taken to stop the access

Public hearing closed.

Mr. McEneaney addressed public comment:

- The access next to 18 Isaac Lucas will be a driveway, not a road.

The board discussed the restrictive covenants:

- It does not affect the application before the board. There is another access option to the applicant if needed.

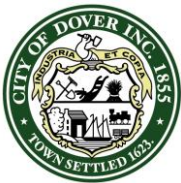
STAFF RECOMMENDATION – Lot Line Adjustment

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-2025-0003
 - 1.2. The owners' signatures;
 - 1.3. Add note to plan indicating total acres of parent parcel prior to adjustments;



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- 1.4. Revised current use plan submitted to the City Assessor and current use fees are paid to the City before being sold or construction occurs.
- 1.5. Revised current use plan submitted to the City Assessor.

Motion: M. Gambino moved to approve the Lot Line Adjustment with subsequent conditions set by staff as it meets criteria. Seconded by: G. DeBoer. Vote: U/A

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. Approval of LOTA-2025-0003;
2. If a conservation easement is not recorded at same time as subdivision plat, a development agreement between the property owner and City shall be created regarding conservation lot and any stormwater easements;
3. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - 3.1. Include the Planning File #SUBM-2025-0002;
 - 3.2. Confirm lot numbering with City Assessor;
 - 3.3. Signature and stamp of LLS on the final plans;
 - 3.4. The owners' signatures for recording at Strafford County Registry of Deeds.
 - 3.5. Add note that map and lot M-91E shall be conserved.

Motion: T. Clark moved to approve the Minor Subdivision with the subsequent conditions. Seconded by G. DeBoer. Vote: U/A

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

- D.** Consideration and possible adoption of amendments to Chapter 153 "Site Review" Regulations*
- E.** Consideration and possible adoption of amendments to Chapter 157 "Land Subdivision" Regulations*

E. Bassegio provided an overview of the proposed amendments, purpose for review and timeline and steps in the process.

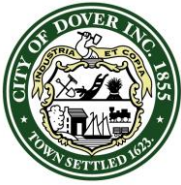
Public hearing opened.

No one spoke

Public hearing closed.

Motion: T. Clark moved to adopt the amendments to Chapter 153 as previously discussed and posted. Seconded by: M. Gambino. Vote: U/A

Motion: T. Clark moved to adopt the amendments to Chapter 157 as previously discussed and posted. Seconded by: M. Gambino. Vote: U/A



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F. Consideration and possible vote on amendments to the Planning Board Operating Rules*

E. Bassegio said that staff is recommending edits to one section of the Planning Board Operating Rules to reference the related state statute as well as Dover's other code and charter sections that are related to Board conflict of interests.

The Board discussed updating the title of Rules of Operation language to coincide with what's in the handbook and/or state statute for consistency.

Public hearing opened.

No one spoke

Public hearing closed.

Motion: D. Glennon moved to continue the item to April 8, 2025. Seconded by: T. Clark. Vote: U/A

5. STAFF COMMENT

- NH Office of Planning and Development conference and webinar if anyone is interested in that training.
- TDR subcommittee is meeting on April 7th at 5pm in City Hall.
- Student outreach event tomorrow for Master Plan.
- TRC items since last meeting:
 - March 13th: Site Plan, 30 Grapevine Dr., Proposal to construct a 3,694 s.f. McDonald's restaurant.
- One upcoming TRC item on March 27th:
 - Open Space Subdivision at 210 Tolend, proposal to create five lots, including one lot for the development of 29 cluster units, one lot with an existing single-family home, one buildable vacant lot, and two lots to be conserved as open space areas.

6. MEMBER COMMENTS

- M. Gambino
 - Curious about the profiles of the TDR subcommittee members
- The Chair signed the following:
 - The site plan and subdivision for Del Sol Dover, the three-lot subdivision and plan for the construction of a 9,600 square foot warehouse building along with an extension of Crosby Rd.

7. ADJOURNMENT

Motion: D. Glennon moved to adjourn at 8:03 p.m. Seconded by K. Mavrogeorge. Vote U/A