



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, April 8, 2025**
Meeting Time: **7:00 pm**

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

Members Not Present (excused): Gina Cruikshank, Melina Gambino

Staff Present: Paul Crouser, Zoning Administrator, Dave Carpenter, Community Development Planner

Video stream did not include audio until 2 minutes into the meeting during Citizens' Forum.

Doug Glennon (Acting Chair) called the meeting to order at 7:00p.m. and noted that Jeff Sanborn would sit for Gina Cruikshank, he would be acting as Chair and Kyle Pimental would be acting as Vice-Chair.

1. CITIZENS' FORUM

Citizens Forum Open

Hilary Hamer, 91 Court st addressed subdivision RSA language and comparisons of site plans and subdivisions.

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- March 25, 2025 Regular Meeting Minutes

Motion: F. Cullen moved to approve the regular meeting minutes of March 25, 2025. Seconded by: G. DeBoer. Vote: U/A

3. OLD BUSINESS

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

P. Crouser explained that at the previous Planning Board meeting, planning staff presented recommended changes 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 would be able to vote to approve the changes.

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.

Motion: T. Clark moved to approve the recommended changes to the Operating Rules with the amended title to Rules of Procedure to coincide with state language. Seconded by: K. Mavrogeorge.

Public hearing opened.

Hilary Hamer, 91 Court St., gave some additional recommendations on the operating rules such as 15-day abutter notices, flexibility for the Chair to allow for longer speaking times for public comment along with allowing a second round of public comments.

Public hearing closed.

K. Pimental believes it's worthwhile for staff and the board to review the rules in their entirety to see if any additional amendments might be worth making such as extended speaker time for public comment.

Vote: U/A

Staff will consider the board feedback and bring the discussion/ draft amendments to a future meeting.



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4. NEW BUSINESS

- A.** A Public Hearing for the purpose of receiving public input regarding the City's draft CDBG FY26-FY30 Consolidated Plan and FY26 Action Plan. The Consolidated Plan serves as the guiding document for identifying priority issues to be addressed through annual CDBG funding. The Action Plan identifies activities seeking funding from Dover's anticipated FY26 CDBG award. The Planning Board's decision serves as a recommendation to the City Council.*

P. Crouser explained that Dave Carpenter, Community Development Planner, will be presenting on the FY26–FY30 Consolidated Plan and the FY26 Action Plan.

These plans serve as guiding documents for priority issues and identifying activities for funding as part of the City's Community Development Block Grant program. They were developed with contributions from community members, service providers, and city staff, and they will guide the City's use of CDBG funds.

D. Carpenter presented on the City's draft CDBG FY26-FY30 Consolidated Plan and FY26 Action Plan. The long-term program priorities for housing, public services, infrastructure, and neighborhood improvements were outlined and the FY26 Action Plan was detailed regarding how the city proposes to allocate next year's funding to support those priorities.

D. Carpenter answered clarifying questions from board members.

Public hearing opened.

Bob Arnold, Community Action Partnership spoke about their funding request and what the funds will be used for (weatherization). The mission of the organization is to reduce energy costs for low-income households.

They are also applying for funding for the Home For Now shelter in Rochester. It is the only family shelter in Strafford Co.

Jennifer Ufkin CEO of Cornerstone VNA explained the organization's programs, clients, funding and statistics.

Public hearing closed.

K. Pimental commented on the necessity of the weatherization programs in Dover.

Motion: K. Pimental moved to approve the FY26-FY30 Consolidated Plan, FY26 Annual Action Plan, and FY26 CDBG allocations. Seconded by G. DeBoer. Vote: U/A

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

- B.** Consideration and acceptance of a Conditional Use Permit for DBS Holdings, LLC, Assessor's Map B, Lot 2, zoned R-40, located at 512 Sixth Street. (Proposal is to construct an infiltration basin, stormwater conveyance, and grading improvements to support the development of five (5) single-family dwellings resulting in approx. 2,926 s.f. of wetland buffer impacts, there are no direct wetland impacts.) *(COND-2024-0034)
- C.** Consideration and acceptance of a Site Plan for DBS Holdings, LLC, Assessor's Map B, Lot 2, zoned R-40, located at 512 Sixth Street. (Proposal is to build five (5) single-family dwellings that includes three (3) units previously approved through TDR.) *(SITE-2024-0018)



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F. Cullen disclosed that he has a professional relationship with CivilWorks NE and McEneaney Survey Associates, and he is a client of these companies. 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)

P. Crouser explained that the applicant is proposing the construction of five new single-family dwellings at 512 Sixth Street, identified as Assessor's Map B, Lot 2. Three of the housing units were previously approved by the Planning Board through Transfer of Development Rights on June 11, 2024. Based on the site's history, including a previously existing manufactured home and a single-family dwelling built in the 1970s, two units were permitted by right, for the total of five units.

All proposed dwellings will be served by municipal water and sewer and accessed via a shared private driveway from Sixth Street which will be approximately 218 feet long. One waiver is being proposed to request relief from the minimum length of 500 feet for dead-end streets.

To accommodate proper site grading and stormwater conveyance, the applicant is proposing approximately 2,926 square feet of impact within the wetland buffer. According to the applicant's narrative, efforts have been made to minimize these impacts, with no buildings or pavement located within the buffer- grading activities only and not due to the extra density being proposed. Disturbed areas within the buffer will be restored as possible following construction. A Conditional Use Permit has been submitted to permit the proposed buffer impacts.

The Technical Review Committee reviewed the application at their December 19, 2024 meeting.

The Conservation Commission reviewed and endorsed the application at their March 10, 2025 meeting.

Steve Haight, Civilworks NE, represented the application and explained the request. He gave details of the proposed project including wetlands buffer, stormwater management, site distance, vegetation. There was a lot of feedback from staff, conservation commission, fire department and engineering which have been incorporated.

Mr. Haight answered some clarifying questions from board members including lines on the plan, driveway waiver and buffer as part of original approvals or not, and driveway vs roadway classifications.

Discussion ensued on these topics.

Continued discussion by board members about the process and order of action taken between TDR approvals vs CUP/ site plan.

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

Public hearing opened.

Ken Durell, 508 Sixth st, abutter is concerned about the density of the project, proximity to his property line/privacy/quality of living, parking, and loss of rural character of his home.

Hilary Hamer, 91 Court st agrees with comments already made regarding TDR approvals are for a max number and can be reduced by the board and relief sought cannot be caused by the additional density. She believes the CUP is related to the density and the board should take a site walk. She discussed subdivisions vs site plans per state RSA and her beliefs that the proper procedures have not been followed.



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Caitlin Wilke, 568 Sixth st spoke in opposition to the proposal. Per the approvals made in June, the additional three units were approved with the option to reduce the final units if the board chose. She spoke about board members with conflicts of interest voting on the matter previously and in her opinion should not be voting on the matter tonight. She further opposes the density of this project at this location and gave details on this topic.

Robert Suydam, 11 Cherrywood Dr, abutter expressed concerns about slope of the property, stormwater flow, and density.

P. Crouser noted letters received from Hilary Hamer and an attorney for the Durells as noted below:

Email from Hilary Hamer at 91 Court Street, she urges the Planning Board not to accept the 512 Sixth St application under Site Plan Regulations (Chapter 153), arguing that it legally qualifies as a subdivision under both state law and Dover's Subdivision Regulations (Chapter 157). Hamer asserts that the project involves multiple single-family homes for sale or rent with shared common space, fitting the definitions of both a subdivision and an Open Space Subdivision, and requests that the Board provide a clear justification if proceeding under the Site Plan process.

Email from Attorney Scott Hogan, submitted on behalf of abutters Ken and Donna Durell at 508 Sixth Street, urges the Planning Board to deny the 512 Sixth Street TDR applications due to alleged legal and procedural concerns. The alleged concerns include potential conflicts of interest among Board members, misclassification of the application as a site plan rather than a subdivision, failure to meet TDR buffer requirements, and unsupported waiver requests. The letter claims that the proposed density will negatively impact neighboring properties.

P. Crouser further noted the 30 foot no cut buffer criterion needs clarification and the boards and staff are aware of that. This particular project complies with that criterion. On the topic of local municipalities ability to take into account local aesthetics, a case cited by Mr. Hogan was a ZBA case which is governed by a separate set of regulations than Planning Board.

Public hearing closed.

S. Haight addressed public comment:

- Property line and buffer area between the subject parcel and the Durell's property: There is currently a mobile home on site near the property line which will be removed. As a site plan the 30-foot buffer is not required, but after discussion with staff, the applicant has incorporated it into the plans. The closest distance one of the new homes will be to the Durell's home is 55 feet, unless their existing home is closer than 25' from the property line.
- Site plan/ Subdivision: when there's an HOA, the project is a site plan. There are no fee simple lots here in this project.
- Drainage: this has been addressed by the management plans proposed and will be managed on site which it currently is not.
- The south driveway is being eliminated and the proposed driveway has been moved further away from abutters.

S. Haight explained the TDR process that occurred for this project back in June for board members. P. Crouser further explained the two units allowed by right and the TDR units are in addition to those.

The board and applicant discussed the density and the options for less or more units.



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K. Pimental clarified that TDR approvals are conditional on the approval of the site plan, so there is some leeway for the board at this stage in the process regarding number of units.

P. Crouser addressed proximity of the proposed units and site plan vs subdivision when it comes to state vs City/Town purview.

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 §170-28.F per their narrative. The applicant sufficiently explained the nature of the disturbance (grading-only) to areas contained within the wetland buffer only and not due to the extra density being proposed, with delineated wetlands remaining untouched. The proposal has been reviewed and endorsed by the Conservation Commission, though the proposed project does not require state mitigation and the applicant does not require approvals from the NHDES Wetlands Bureau.

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 Condition to Be Met Prior to Issuance of a Conditional Use Permit:

1. Approval of SITE-2024-0018.

Motion: K. Pimental moved to approve the Conditional Use Permit with the subsequent conditions.
Seconded by K. Mavrogeorge.

K. Pimental noted this is a subjective issue. The applicant states the wetland impacts are not due to the additional density and the Conservation Commission endorsed the project, but he has reservations about whether that is a fact. In the future the board should be provided more justification that proves the facts the applicant is claiming.

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 waiver meets criterion (1) 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:



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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:
§157-32J: Dead-end streets shall not be less than 500 feet.

Motion: F. Cullen moved to grant the waiver request with the subsequent condition set by staff as it meets criteria for relief. Seconded by: K. Mavrogeorge. 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-2024-0034;
2. HOA documents including reserve calculation are reviewed and approved by the Director of Planning and Community Development with consultation by the City Attorney and City Engineer.
3. Provide physical and digital copies (including CAD) of complete plan set for final Planning Board signature which additionally shall include:
 - 3.1. Owner's signatures;
 - 3.2. Professional stamps and signatures;
 - 3.3. Include private road name as approved by the Building Official;

Subsequent Condition to Be Met Prior to Construction:

4. 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;
5. Wetland buffer placards are installed.

Subsequent Conditions to Be Met Prior to Building Permit:

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

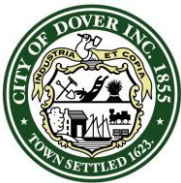
Subsequent Conditions to Be Met Prior to Occupancy:

7. Issuance of Certificate of Occupancy;
8. Surety or other form of security acceptable to the City is provided for any unfinished work;
9. Wetland buffer placards are still in place or replaced per the plan;
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.
11. Design engineer meets with homeowners regarding maintenance required and buffer expectations.

Motion: K. Pimental moved to approve the Site Plan with subsequent conditions set by staff as it meets criteria. Seconded by: K. Mavrogeorge. Vote: All in favor with DeBoer opposed.

- D.** 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*.

P. Crouser provided an overview of the updated proposed amendments, purpose for updates, and timeline and steps in the process.



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F Cullen gave comments relating to both the shelter and solar mandates vs recommendations as best practices.

K. Pimental noted unsuitable development areas may include easements other than just utility so that language may need to be expanded. He gave additional comments about the solar language.

Board members and staff discussed the amendments , clarifications, and feedback on the language proposed.

Public hearing opened.

No one spoke.

Staff read into the record an email received to the office from Hilary Hamer, 91 Court st stating that she believes proposed amendment to Zoning Ordinance 170-15-B, provides a vague reference to the Fire Code for ADUs, raises concerns about understandability, enforceability, and potential barriers to small-scale ADU development, and should include more specific guidance or reference distances.

Public hearing closed.

Staff further explained details of the topic relating to height and distance of structures on a lot and how the amendment reads to address the confusion.

Board members and staff discussed ADU amendments which were discussed previously and have moved forward to the next stages.

The Board discussed the shelter amendments and restrictions.

P. Crouser reviewed the amendments the board recommended feedback on so staff can come back with changes.

Motion: F. Cullen moved to continue the item to a meeting to be held within 60 days. Seconded by: G. DeBoer. Vote: U/A

5. STAFF COMMENT

- TDR subcommittee held their first meeting yesterday, April 7th.
- TRC items since last meeting:
 - March 27th: Open Space Subdivision, 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.
- One upcoming TRC item on April 17th:
 - TDR Site Plan, proposal to construct seven single-family homes and maintain an existing single-family home for a total of eight units. The project includes a TDR request to purchase six single-family units.

6. MEMBER COMMENTS

None

7. ADJOURNMENT

Motion: K. Pimental moved to adjourn at 10:07 p.m. Seconded by K. Mavrogeorge. Vote: U/A