

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, August 26, 2025**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Doug Glennon (Vice-Chair), Tom Clark, Ken Mavrogeorge, George DeBoer, Fergus Cullen (Councilor), Tyler Allen (Alternate), Devon Dunn (Alternate), and Eric Salovitch (Alternate)

Members Not Present (excused): Melina Gambino, Jeff Sanborn, Kyle Pimental,

Staff Present: Donna Benton, Planning Director

G. Cruikshank (Chair) called the meeting to order at 7:00p.m. and noted D. Dunn will sit for J. Sanborn, T. Allen for K. Pimental and E. Salovitch for M. Gambino.

1. CITIZENS' FORUM

Citizens Forum Open

Sam Hewitt, 5 Maple St addressed Dover's push for housing creation noting his opinion that it has reached beyond Dover's capacity. The ordinances appear to be ignored in support of all applicants coming forward. He urges thoughtful consideration of all applications that come before the board.

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- July 22, 2025 Regular Meeting Minutes

Motion: G. DeBoer moved to approve the regular meeting minutes of July 22, 2025. Seconded by: F. Cullen.
Vote: U/A

3. OLD BUSINESS

4. NEW BUSINESS

- A. Consideration and public hearing of amendments to the City Code, Chapter 170, entitled Zoning. The full text of the amendments is available in Planning Dept. & at www.dover.nh.gov located on the Planning and Community Development webpage.*

D. Benton provided an overview of the proposed amendments, purpose for review and timeline, and next steps in the process.

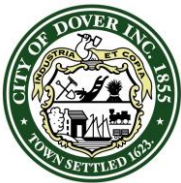
Planning staff have been in communication with numerous residents to clarify amendment information, including amendments that involve solar readiness, solar requirements, parking requirements, and ADU sizing.

Public hearing opened.

Eric Leaver, 42 Main St, Strong Town Seacoast advocacy group spoke in support of amendments related to the decrease to parking minimums. He encouraged the City to go even further in their reduction.

Elizabeth Bratter, 16 St John St gave comments about:

- amendment 7 detached ADUs
- amendment 8 manufactured homes definition
- amendment 10 solar standard
- amendment 16 SB 284 parking
- amendment 19 personal services definition, lighting/signage
- amendment 27 CBD district labeling



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- amendment 28 where to find streetscapes and landscape standards
- amendment 29 – open ended
- amendment 30 structures allowed by special exception
- amendment 31 height
- amendment 35 no differentiation indicated between types of ADU
- other comments were listed without specified amendment numbers

Sam Hewitt, 5 Maple St spoke against the timing and content of a few of the proposed changes due an ongoing appeal regarding the Maple street project which would benefit from the changes. Rewriting these zoning ordinances during an active dispute can be perceived as favoring a particular applicant. Amendments 30 and 42 were given as examples and it was explained how they relate to the particular project he is in opposition to.

An email was received to the office and summarized below:

Linda Merullo, 21 Sandy Lane, expressed support for proposed zoning amendments regarding signs. She expressed concern about illegal temporary business signs being placed along Dover roadways, particularly at the Middleton Lumber intersection of Old Rochester Road. She asked for clarification on who is authorized to remove such signs, and urges that regulations apply citywide, not just to Old Rochester Road. Additionally, she voiced opposition to increasing housing density in R-40 zones, arguing that allowing smaller lots and more homes per lot undermines rural character, open space, and city services.

Randall Payment, (did not provide an address) sent in feedback in regards to the solar readiness requirements and the importance of multiple energy sources.

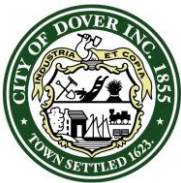
Public hearing tabled.

D. Benton addressed public comment:

- Staff purposefully is not rushing the amendment process. After the city-wide mailings went out, there are two public hearing opportunities at the Planning Board level and another at the City Council level if/when it gets that far.
- Manufactured housing has its own code section, but she will look into it and clarify if needed
- Grand Opening banners would have to follow the ordinance
- CBD-M vs CBD-MU will be reviewed for consistency
- Streetscape standards are found on the individual tables depending on the zoning district as well as a separate document
- Building height is looked at for zoning. Rather than create a zoning rule, the standard points to the Fire code
- ADU- there are state statutes and Dover Zoning has a minimum size requirement which avoids micro-units

F. Cullen suggested the folks who spoke submit their comments in writing so the members can review them more closely.

Motion: F. Cullen moved to table the item to the September 9th meeting. Seconded by: G. DeBoer Vote: U/A



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- B. Consideration and acceptance of a Conditional Use Permit for James Welch, Assessor's Map 15, Lot 16, zoned G, located at 112 Rutland Street. (Proposal is to allow a garage to be built 50' from the front build-to-line.) *(COND-2025-0012) *(Continued from the July 22, 2025 Planning Board meeting)*

D. Benton explained that the Applicant is proposing a CUP at 112 Rutland Street to build a garage with a residential unit above. The proposed unit is larger than allowed for an ADU, so it would be considered a second primary structure. An ADU and a second primary structure are both permitted uses on site within the Gateway District but the applicant is requesting relief to place the structure 50 feet from the front build-to line, where only 20 feet is allowed.

Within the Gateway Zoning District, conditional use approval for dimensional relief may be granted by the Planning Board, provided that the proposed project complies with the criteria per Chapter 170-19.B.2.

James Welch, property owner represented the application.

He and staff answered questions from the board relating to square footage of the proposed ADU and relief due to location not size, portions of the application not applicable to the proposal, plot plan proposed location and request for survey with foundation as condition of approval, clarification of the request and driveway information (2 proposed). Board members clarified a boundary survey and foundation certification are what they are asking for as a condition of approval.

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

Public hearing opened.

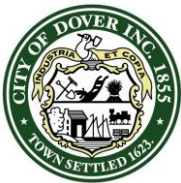
No one spoke

Public hearing closed.

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

Chapter 170-19.B.1 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.*



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Staff believes the applicant has met said criteria as the proposal complies with underlying zoning for side and rear setbacks, the allowance for a second primary structure or ADU, and does not affect public spaces, pedestrian safety, or the existing street design.

Chapter 170-20.B.2 outlines the criteria for granting a Conditional Use Permit for relief within the Gateway Zoning 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.*

Planning Staff feels that the applicant has adequately shown compliance with the criteria as specified in §170-20.B.2.

The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and 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 final plan with a corrected front build-to-line;
2. Work with the Planning Department to endorse a development agreement per Chapter 170-20B(3) and then record at SCRD. The development agreement shall include the need of a boundary survey by an LLS and foundation certification at the appropriate time.

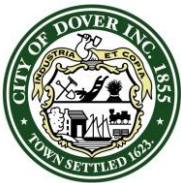
Motion: E. Salovitch moved to approve the Conditional Use Permit with the subsequent conditions. Seconded by K. Mavrogeorge. Vote: U/A

Motion: F. Cullen moved to move items I, J, K up to be heard next. Seconded by D. Dunn. Vote: 2-7 with Salovitch, Mavrogeorge, Glennon, Cruikshank, Clark, DeBoer and Tyler opposed

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

- C. Consideration and acceptance of a Conditional Use Permit for City of Dover, c/o Cathartes and Tighe & Bond, Map 22, Lot 1-7, zoned CWD, located at 40 River Street. (Proposal is for approximately 578 s.f. of permanent impacts within the 50' wetland buffer as a result of the proposed Site Plan Amendment for the construction of the Cochecho Waterfront Development Building F. *(COND-2025-0017)
- D. Consideration and acceptance of a Site Plan Amendment for City of Dover, c/o Cathartes and Tighe & Bond, Map 22, Lot 1-7, zoned CWD, located at 40 River Street. (Proposal is to amend plans for the previously approved 5-story multi-family structure, identified as Building F, as part of Phase 2 of the waterfront development. Proposed revisions include an increased building footprint, (from 16,025 s.f. to 17,504 s.f.), one additional residential unit, (43 total), 20 more off-street parking spaces, (80 total), architectural façade changes, and a new communal roof deck.) *(WAIV-2025-0005)

D. Benton explained that the Applicant is proposing an amendment to the previously approved Site Plan for the Cochecho Waterfront Development. The amendment applies to Building F at 40 River Street, part of Phase 2 of the development. Proposed changes include a larger footprint, one additional residential unit for a total of 43, 20 more parking spaces, façade updates, and a new roof deck. The building footprint shift removes prior impacts to the Conservation District but results in about 587 square feet of wetland buffer impacts, with no direct wetland impacts.



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The Technical Review Committee reviewed the plan on June 26, 2025, and the Conservation Commission reviewed and endorsed the related CUP at their August 11, 2025 meeting.

Rob Simmons, Cathartes represented the application and explained the request and the steps that have occurred so far which led them to this point.

Neil Henson, Tighe & Bond presented the changes proposed.

Carla Goodnight, CJ Architects highlighted the description of the building façade.

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

Public hearing opened.

No one spoke.

Public hearing closed.

Consistency with Land Use Regulations – Conditional Use Permit, Wetland Protection District

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 finds that the applicant has met all criteria under §170-28.F. The site was previously disturbed and the project avoids direct wetland impacts. The proposed buffer impacts result from shifting the footprint to avoid ledge and to remove parking from the buffer, which also improves drainage. No wetland mitigation or state wetland permitting is required, and the proposed amendment eliminates prior approved impacts to the Conservation District.

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 Issuance of Conditional Use Permit:

1. Submit a final site plan to the Planning Department that includes:
 - 1.1. LLS and CWS stamp and signature.
 - 1.2. Owner's signature.

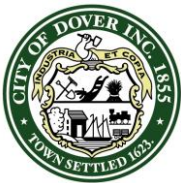
Motion: G. DeBoer moved to approve the Conditional Use Permit with the subsequent conditions. Seconded by F. Cullen. Vote: U/A

STAFF RECOMMENDATION- Site Plan Amendment:

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. Revise plans to include Planning File # WAIV-2025-0005;
2. Provide physical and digital copies (including CAD) of complete plan set for final Planning Board signature which additionally shall include:
 - 2.1. Owner's signatures;



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- 2.2. Professional stamps and signatures;
- 2.3. Add note that this plan is subsequent to the site plan (P21-69) and to see P21-69 plan set for rest of the plan sheets, and that all previous conditions still apply including impact fees.

Subsequent Condition to Be Met Prior to Construction:

7. 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:

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

Subsequent Conditions to Be Met Prior to Occupancy:

9. Issuance of Certificate of Occupancy;
10. Surety or other form of security acceptable to the City is provided for any unfinished work;
11. Wetland buffer placards are still in place or replaced per the plan;
12. 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 Amendment with the subsequent conditions set by staff. Seconded by K. Mavrogeorge. Vote: U/A

- E. Consideration and acceptance of a Minor Subdivision for Tyler D. & Kathryn R. Goodwin, Assessor's Map 10, Lot 2-C, zoned R-12, located at 49 Prospect Street. (Proposal is for a Minor Subdivision creating one (1) new lot.) *(SUBM-2025-0005)

D. Benton explained that the Applicant is proposing a minor subdivision at 49 Prospect Street, creating one new 1.62-acre lot. A variance was previously granted to allow frontage of 95 feet where 100 feet is required. After excluding wetlands and applying wetland buffer limits, the lot has over 20,000 square feet of qualifying area, meeting lot size requirements.

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

Bob Stowell, Trittech Engineering represented the application and explained the request for minor subdivision.

Board members asked about details about future access and building placement on the proposed lot.

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

Public hearing opened.

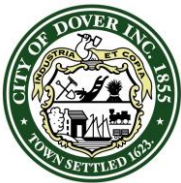
No one spoke

Public hearing closed.

STAFF RECOMMENDATION- Minor Subdivision

The plan is consistent with §157-15 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:



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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 Country Registry of Deeds, which additionally shall include:
 - 1.1. The owner's signatures
 - 1.2. Include the Planning File #SUBM-2025-0005
 - 1.3. The stamp and signature of the LLS on the final plans
 - 1.4. Confirm lot numbering with City Assessor and confirm on plan set.
 - 1.5. Stairs and patio to be marked as to be removed

Motion: F. Cullen moved to approve the Minor Subdivision with the subsequent conditions including the additional one. Seconded by G. DeBoer.

Discussion occurred regarding the patio and stairs and side exit stairs on the existing structure.

Vote: U/A

The Vice-Chair announced Items F, G, & H would be heard together.

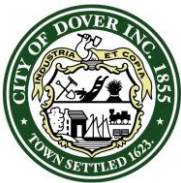
- F. Consideration and acceptance of a Transfer of Development Rights for Dover Development, LLC 80 %, Robert V. Paolini 20%, Assessor's Map 40, Lot 25, zoned C, located at 52 Old Rochester Road. (Proposal is to request thirty (30) units through TDR, for a total of forty-four (44) units restricted to HUD Fair Market Rental Rates.) *(TRAN-2024-0010)
- G. Consideration and acceptance of a Conditional Use Permit for Dover Development, LLC 80%, Robert V. Paolini 20%, Assessor's Map 40, Lot 25, zoned C, located at 52 Old Rochester Road. (Proposal is to allow 44.15% impervious surface coverage within the Secondary Groundwater Protection District where 20% is allowed.) *(COND-2024-0019)
- H. Consideration and acceptance of a Site Plan for Dover Development, LLC 80%, Robert V. Paolini, 20%, Assessor's Map 40, Lot 25, zoned C, located at 52 Old Rochester Road. (Proposal is for the construction of three mixed-use structures with a combined total of approximately 8,700 s.f. of commercial space and 44 residential units.) *(SITE-2024-0009)

D. Benton explained that the Applicant is proposing three new buildings at 52 Old Rochester Road: two mixed-use with a combined total of approximately 8,700 square feet of commercial space and 20 residential units, plus a third residential building with 24 units. This totals to 44 one-bedroom units restricted to HUD Fair Market rents. A variance was previously approved which granted relief from the required commercial to residential ratio; the variance granted a ratio of 17% commercial and 83% residential space, though the final design is closer to compliance at 21% commercial.

In the Commercial Zoning District, residential units are allowed provided the lot contains 5,000 square feet per dwelling unit. The applicant has calculated fourteen residential units as the base density on the property and requested thirty units through TDR.

The site is within the Secondary Groundwater Protection District where impervious surface coverage is limited to 20%. The applicant is requesting a CUP to allow for 44% impervious coverage, an increase from the approximately 24% existing.

The TRC and Conservation Commission have both reviewed the application.



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Christopher Berry, Berry Survey and Engineering represented the application. He explained the existing conditions on site, gave history of a previous proposal, explained the current proposal highlighting mixed-use layout, sidewalk, raised platform over Rochester Rd, walkability and transportation.

The updated proposal locates the commercial uses to one building. The buildings will look similar. He addressed plans for ground water and drainage, and noted various revisions have occurred through the TRC process.

Mr. Berry addressed topics from the board relating to traffic/speed, porous pavement/ surface coverage, maintenance schedule for porous materials, proposed speed table and flashing lights, impervious coverage of 44% and effective impervious coverage of 0%, TDR “purchase” vs HUD and reason for density choice proposed.

Chair Cruikshank noted when she first saw the request she was concerned until she saw the layout and proposal. This is a great location for TDR use. G. DeBoer agreed with her statements highlighting the location, sidewalks, proximity to commercial and safety aspects.

D. Benton addressed the recreation fees. Discussion ensued whether that’s appropriate with the HUD restricted rents and whether this constitutes an impact fee.

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

Public hearing opened.

Raymond Will, 1 Hickory Ln asked about impervious surface, is that part of the storm water treatment and what is part of the calculations and what isn’t?

An email was received to the office and summarized below:

Brad Calabro, a Maplewood Ave resident, urges the Planning Board to require developers on and around Old Rochester Road to construct sidewalks, citing increasing traffic, pedestrian safety concerns, and the upcoming developments in the area such as 52 Old Rochester Rd. He emphasizes the need for safe pedestrian connections for existing and new residents.

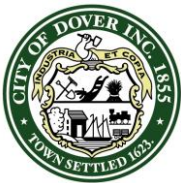
Public hearing closed.

Mr. Berry addressed public comment.

STAFF RECOMMENDATION – Transfer of Development Rights

§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.

Staff finds the project consistent with the Master Plan’s Vision and Conservation and Open Space goals, supporting intentional growth, groundwater protection, and diverse housing through HUD Fair Market rents. The proposed density and layout fit the transitional character of the area, with mixed-use proposed near commercial uses and residential along the R-12 boundary. The site is served by municipal utilities, and while a CUP is required for impervious surface coverage of 44% in the Secondary Groundwater Protection District, staff notes this would be needed regardless of density. This is evidenced in terms of size of structures and use, which are allowed through underlying zoning on the property and in part by the existing structures and uses on site which exceed impervious surface coverage limits.



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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 Granting TDR:

1. Approval of COND-2025-0019;
2. Approval of SITE-2024-0009;
3. Payment of TDR fees;
4. Deed restriction for HUD Fair Market Rent Restriction;
5. Revise plan to include the following notes:
 - 5.1. “Residential units shall be restricted to HUD Fair Market rental rates for the Portsmouth-Rochester, NH HUD Metro Area.”
 - 5.2. “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 thirty units for a maximum total of 44 units on the subject lot.”
 - 5.3. “A hydrogeologic study may be required by the Planning Board to investigate the impacts a proposed development or land use activity will have on an existing or future groundwater supply per §170-33D(7).”

Motion: F. Cullen moved to approve the Transfer of Development Rights with the subsequent conditions set by staff. Seconded by G. DeBoer. Vote: 7-2 with E. Salovitch and T.Clark opposed

Consistency with Land Use Regulations – Conditional Use Permit, Groundwater Protection

The Groundwater Protection ordinance §170-33E(4) provides for Conditional Use Permits to allow relief from the ordinance if supported by expert technical documentation demonstrating consistency with the ordinance’s purpose and intent, including submission of an environmental protection plan meeting NHDES Best Management Practices (BMPs) for Groundwater Protection, and provisions for routine monitoring and reporting.

Planning Staff finds that the applicant has met all criteria under §170-33E(4). A drainage analysis and soils survey were completed and reviewed, and the design captures and infiltrates all onsite and offsite runoff. Additional filtration and porous pavement address snowmelt and the plan meets the pollutant removal performance standards outlined in the NH Stormwater Manual.

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

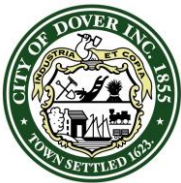
Subsequent Conditions to be Met Prior to Issuance of Conditional Use Permit:

1. Submit a final site plan to the Planning Department that includes:
 - 1.1. Professional stamps and signature.
 - 1.2. Owner’s signature.

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

E. Salovitch expressed concern that the secondary ground water is not being taken seriously enough.

Vote: 8-1 with E. Salovitch opposed



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STAFF RECOMMENDATION- Site Plan:

§153-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. This plan is consistent with those regulations.

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 TRAN-2024-0010;
2. Approval of COND-2025-0019;
3. A development agreement to the satisfaction of the Planning Director be recorded at the SCRD including the requirement for HUD Fair Market Rental Rate restrictions, per unit contributions towards pump station and per-unit recreation fees
4. Provide the Planning Department the plan outlining winter maintenance of the proposed sidewalks along Old Rochester Road;
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 of request of service;
8. Payment of per-unit contribution towards costs associated with increased capacity of the pump station that services the site;
9. Payment of per-unit recreation fee;

Subsequent Conditions to Be Met Prior to Occupancy:

10. Issuance of Certificate of Occupancy;
11. Surety or other form of security acceptable to the City is provided for any unfinished work;
12. 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.

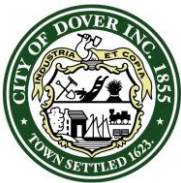
Board discussion ensued with staff and the applicant regarding both the recreation fees which seem similar to impact fees which are currently inactive and the potential removal of the proposed speed table.

Mr. Berry addressed these topics noting the City does not favor mid-block crosswalks. He elaborated on the big picture of development in the City, especially in areas that don't currently support pedestrian access.

Motion: F. Cullen moved to remove the speed table from the proposal, but leave in the flashing lights proposed. Seconded by E. Salovitch.

Vote: 2-7 motion with K. Mavrogeorge, D.Glennon, G.Cruikshank, T.Clark, D.Dunn, G. DeBoer and T.Allen opposed.

Motion: D. Glennon moved to approve the Site Plan with the subsequent conditions set by staff. Seconded by G. DeBoer. Vote: U/A



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The Vice-Chair announced Items I, J, & K would be heard together.

- I. Consideration and acceptance of a Conditional Use Permit for Bohler Engineering (Owner: VC Dover Investments, LLC), Assessor's Map H, Lot 4-3, zoned C, located at 30 Grapevine Drive. (Proposal is for approximately 7,630 s.f. of permanent impacts within the 50' wetland buffer as a result of the proposed construction of a McDonald's restaurant and associated parking.) *(COND-2025-0005)
- J. Consideration and acceptance of a Conditional Use Permit for Bohler Engineering (Owner: VC Dover Investments, LLC), Assessor's Map H, Lot 4-3, zoned C, located at 30 Grapevine Drive. (Proposal is to allow 37 parking spaces where 13 parking spaces are allowed as part of the proposed construction of a McDonald's restaurant.) *(COND-2025-0004)
- K. Consideration and acceptance of a Site Plan for Bohler Engineering, (Owner: VC Dover Investments, LLC), Assessor's Map H, Lot 4-3, zoned C*, located at 30 Grapevine Drive. (Proposal is for the construction of a $\pm$ 3,694 s.f. McDonald's restaurant with a side-by-side drive-thru and 37 parking spaces.) *(SITE-2024-0020)

D. Benton explained that the Applicant is proposing an approximately 3,700-square-foot McDonald's restaurant with a side-by-side drive-thru and 37 parking spaces at Grapevine Drive. The use and drive-thru are permitted in the underlying Commercial District zoning.

The applicant is requesting two related Conditional Use Permits; one for the additional parking and one for impacts to the 50' wetland buffer. The applicant is requesting 24 additional parking spaces than the maximum allowed and wetland buffer impacts totaling about 7,600 square feet with no direct wetland impacts.

Drive-thru service is an allowed use under the underlying zoning but a waiver has also been requested for relief from limits to drive-in service which are restricted to 6:00 a.m.-9:00 p.m. which staff continues to not support. Staff and the applicant have also discussed the parking CUP and the appropriate amount of parking. Staff feels 37 parking spaces is still excessive and that the applicant should provide additional justification to help the Board make their decision.

The TRC and Conservation Commission have both reviewed the application.

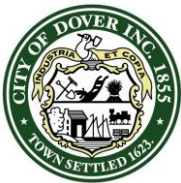
Ari Pollack, Gallagher, Callaghan & Gartrell and Conor Ennis, Bohler Engineering represented the application and explained the request to construct a McDonald's restaurant at a vacant land unit within the existing condominium. Other uses in the complex include a supermarket and a senior living facility- both of which are constructed and operating.

NH DES has issued an AoT permit for storm water management. DOT has also issued a driveway permit.

He addressed the various requests and agreed to staff conditions relating to the buffer impacts.

Regarding the request for drive-thru operations, they are asking for an extended timeframe of 5am-10pm. He addressed noise impacts and is willing to address any questions relating to the sound, menu board orientation and ordering process.

The applicant gave an overview of the site plan which has been altered throughout the TRC process. Items addressed included existing conditions, proposed parking, landscaping, utilities, storm water, driveway orientation, architecture and layout.



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He addressed parking and why they request an expansion of what the ordinance allows based on the ways people currently use this type of restaurant and the lack any other parking location options. The applicant has been back and forth with staff on the parking request vs staff preference. If all requested spaces are not approved, he believes 30 spaces would be a compromise both parties could agree to.

The applicant addressed questions from the board relating to hours of operation for indoor restaurant, (whatever is allowable- up to 24hrs a day if allowable and necessary), wetlands impact due to additional parking request (None), lighting and signage/time schedule for lighted signs (lighting plan submitted- no details yet on the sign), which parking spaces would be removed with a 30-spot plan.

F. Cullen asked the owners of the condo land unit who have developed the other areas if they have considered other options at this location that aren't a drive-thru, quick service restaurant. (Yes there were, but those options didn't pan out).

The applicant continued to address questions from the board relating to shift change times in relation to parking and hours of operation, timing of delivery trucks, preference by K. Mavrogeorge to remove parking by Rt 108 and have parking at the back of the site and directional signage.

Board members gave opinions about the numbers of parking spaces and staff confirmed they are more comfortable with 30 than 37.

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

Public hearing opened.

Raymond Will, 1 Hickory Ln, abutter asked some questions about lighting/ dark-sky, downward facing, why this location, and traffic/curb cuts.

Dan Clark, Manager of the residential facility across the street expressed concerns about traffic, noise, garbage and lighting.

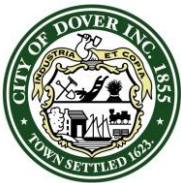
Debra Hackett, 4 Brookmoor Rd does not agree with the location for this proposal. She lives across the street in the development and gave examples of traffic/ speed and turning issues that already exist. Additional explanations included the residential population in the area, their needs and traffic patterns of "Locations". She summarized that the location is mostly residential and mostly for the older population. There are concerns about traffic, access in and out of nearby streets, and noise.

John Gertig, 19 Farmington Dr agreed this is not the correct site for this type of business. This isn't a retail area. He gave multiple statistics about daily activity at McDonald's. He expressed concern about not having appropriate parking for after high school football games or for truckers traveling 108 and is worried people will park on 108.

Michael Lane, 21 Farmington Dr is concerned about environmental impacts, trash, traffic and safety. This is not the correct location for this proposal.

Jane Sisti, 5 Farmington Dr is concerned people will exit the restaurant, take a right and then end up in her residential neighborhood driving through the streets to get back to Dover.

Debbie Iampietro, 78 Cielo Dr agrees this is not the right site for McDonalds and asked the board to consider if there are any other mixed-use areas they are approving that include a 24hr operation.



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Yulia Rothenberg, 5 Chartergrant Rd sent a letter in advance and highlighted her concerns of disruption of a quiet neighborhood, safety of pedestrians and drivers to cross the road there, owners out of state means the profits don't go to NH, low-wage jobs are not what is needed, trash and plastics.

Scott Torr, 217 Durham Rd did not think drive-thrus were allowed in the zone. He reviewed the various proposals and phases of construction of this parcel over the past 20 years. He quoted from the application that the proposal will have negligible effect on the neighborhood. He gave many examples of this inaccuracy. He is also concerned about crime.

Warren Kadden, 173 Mast Rd agreed and noted Dover Police responded to the McDonald's on the north side 119 times last year. He agrees with the rest and opposes the project.

Mike Waleryszak, 18 Farmington Dr agreed with other comments and opposes the project.

Scott Torr, 217 Durham and Warren Kadden, 173 Mast Rd. also submitted emails that were provided to the Planning Board .

Emails were received to the office, provided by the Planning Board, and summarized below:

John and Carol Story, 2 Chartergrant Rd., oppose aspects of the proposed McDonald's restaurant, citing concerns about excessive parking, increased traffic, noise from an audible drive-thru, and extended hours of operation. They have concerns about the potential traffic changes, highlighting potential impacts on pedestrian safety for nearby residents and insufficient noise buffering along Route 108. They urge the Planning Board to enforce design standards, limit parking, require a non-audible ordering system, and restrict business hours to 6:00 a.m.–9:00 p.m.

Heather Lewis, 5 Pleasant Valley Rd., opposes the proposed McDonald's, citing concerns about wetland buffer impacts, increased traffic and noise near a residential area, pedestrian and vehicle safety, excessive parking, a side-by-side drive-thru, and late-night hours which she argues could potentially disturb residents and the area.

Public hearing closed.

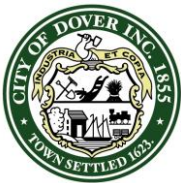
The applicant addressed public comment noting they have submitted a complete application for an allowed use. They've received permits from NH DOT and NH DES regarding traffic, safety and storm water. The plans have been reviewed by all appropriate City departments and concerns were addressed.

D. Benton addressed public comment:

- Lighting will need to comply with dark-sky regulations
- This is an allowed use in the zone
- The City currently can't regulate the hours of operation for the restaurant
- There is a second exit- one on Durham Rd and one on Grapevine Dr
- The board can't regulate the owner's location or make decisions based on that

Chair Cruikshank explained that the board cannot deny projects they don't like or don't think is a good fit. NH DOT has signed off on the traffic/safety element. If we deny projects without merit, that can create legal issues. Some aspects are outside of the board's purview.

The applicant addressed board questions and comments relating to the location of the drive-thru speakers.



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D. Benton gave background on the RCM zone and whether drive-thrus were previously restricted and whether they are now allowed. Throughout the development process of this site the owner was able to prove they are not using the RCM overlay as the restaurant is an allowed use and in the underlying zoning, drive-thrus are allowed in the district. There were also some zoning changes around 2020-2021 and drive-thrus became allowed at this location.

K. Mavrogeorge noted traffic concerns were discussed at length with the previous application and with this application and with the NH DOT. The applicant provided a second traffic study at the request of the state. The right-turn only exit has been modified based on NH DOT feedback.

E. Salovitch spoke about pedestrian access and encouraged a crosswalk at Grapevine to allow pedestrians safe access.

F. Cullen does not believe the intent of the zoning change was to have drive-thru restaurants open 24hrs a day. Those zoning changes were made during COVID when there were known issues getting the public informed. He encouraged the owners who have done admirable work across NH to find a better tenant who will fit the neighborhood and meet your needs.

D. Benton explained the parking regulation calculations.

Staff and the applicant discussed the flexibility of operating 24 hours vs drive-thru hours vs parking spaces.

Consistency with Land Use Regulations – Conditional Use Permit, Wetland Protection District

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 impacts to the wetland buffer are limited to the construction of a retaining wall, paved area, and site re-contouring and grading. Specifically, the applicant has explained that the proposed swale within the wetland buffer has been included in accordance with NHDOT direction to manage run-off away from the NHDOT Route 108 (Durham Road) right-of-way. No parking or structures are in the buffer, and there are no direct wetland impacts, so no mitigation or state wetland permitting is needed. The Conservation Commission endorsed the project with the condition that snow storage be kept outside the buffers.

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

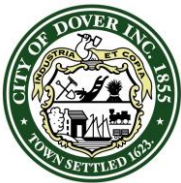
Subsequent Conditions to be Met Prior to Issuance of Conditional Use Permit:

1. All snow storage areas be located outside of the wetland buffer.
2. Submit a final site plan to the Planning Department that includes:
 - 2.1. LLS and CWS stamp and signature.
 - 2.2. Owner's signature.

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

Consistency with Land Use Regulations – Conditional Use Permit, Increased Parking

§153-14D(5) of the Site Review Regulations of the City Code provides for Conditional Use Permits to allow an increase in number of parking spaces than allowed by §153-14D.



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Applicant is requesting increased parking and must justify the need through an analysis demonstrating that the increased parking is essential to the use, is not detrimental to surrounding properties, and that the proposed use cannot be served by existing on- and off-street parking. The applicant must also show that additional parking areas use pervious materials and comply with the New Hampshire Stormwater Manual, with a design engineer overseeing construction. Depending on the typical parking duration, applicants must also support electric vehicle (EV) infrastructure by installing EV charging stations or EV-ready spaces.

Staff appreciates that the applicant has made revisions throughout the TRC process to remove six parking spaces from the original submission and to include pervious pavers and readiness for electric vehicle (EV) charging.

The applicant justifies the need for additional parking based on employee, dine-in, takeout, curbside, and mobile order use, with 8 spaces for curbside and courier, 12 for employees, and 17 for customers. Staff notes that comparisons to other McDonald's sites don't provide strong justification for the total requested parking and requests more data. Consideration could be given to an increased parking need related to reduced drive-thru hours, though the applicant is also seeking relief from that regulation.

Again, staff finds that the justification for the additional parking may not been adequately demonstrated and would request data points that include parking usage at other locations and average number of employees anticipated. For this reason, staff recommends that the Board discuss that tonight and if needed may continue the item to a future meeting.

Should the Planning Board determine that the applicant has provided sufficient justification for all 37 parking spaces or a reduced amount, staff would recommend conditional approval with a phased approach to parking or be clear about the number and amendment process. In this situation, the Planning Department would recommend that 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 Conditional Use Permit:

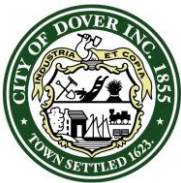
1. The site shall initially be developed with the maximum number of 30 parking spaces permitted;
2. Revise final plan to mark spaces to be removed or spaces to be potentially developed in the future beyond the 30 approved that may only be constructed upon demonstrated need and subsequent Planning Board review and approval.

K. Mavrogeorge noted a potentially more reasonable restaurant at the location with sit-down dining would likely require more parking, though less hours and overall traffic to the site. He is not against the 37 spaces. It does not seem over-planned even though the ask is so much greater than what's allowed.

Chair Cruikshank noted she rarely sees people eating inside these restaurants. However, is it worse to not include enough parking when there could be people coming at certain times who might cause a safety issue by parking on the street if there aren't enough parking spaces.

Board members discussed their various thoughts on the appropriate number of parking spaces to allow. The applicant noted they will bring the feedback back to the owners.

Motion: E. Salovitch moved to approve the CUP to allow 37 parking spaces (without conditions set by staff). Seconded by: G. DeBoer. Vote: 4-5 with F.Cullen, D.Glennon, G.Cruikshank, T.Clark and D.Dunn opposed.



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Motion: F. Cullen moved to deny the CUP for parking expansion as it exceeds the regulation for parking spaces allowed. Seconded by: D. Dunn.

D. Dunn noted an increase of parking spaces encourages people hanging out and that doesn't make sense for the neighborhood.

D. Glennon noted he is not comfortable with this tactic, so he will be voting against it.

E. Salovitch does not agree with the majority of the spaces being used for employees with not sufficient parking for patrons. If the City allows the restaurant, it needs to allow for appropriate parking.

Vote: 2-7 with E.Salovitch, K.Mavrogeorge, D.Glennon, G.Cruikshank, T.Clark, G.DeBoer and T.Allen opposed.

Motion: T. Clark moved to approve the CUP with up to 30 parking spaces. The Planning Dept and Engineering Dept shall work with the applicant to determine which 7 spaces to remove from the site plan (and stripe instead). Seconded by: D. Glennon. Vote: 7-2 with F.Cullen and D.Dunn opposed.

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 do not believe the applicant's rationale for the waivers meets either criterion. The ordinance limits hours to 6 a.m.-9 p.m. to reduce impacts on nearby residences, and the applicant's reasons, (consistency with other sites, customer demand, and noise controls), are not site-specific. Staff also does not find an unnecessary hardship as the business can still operate and the drive-thru could serve mobile orders during business hours. This has been staff's position all throughout concept meetings and TRC meetings but the applicant is seeking relief from the Planning Board.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to deny the waiver.

D. Glennon noted, beyond all the reasons laid out, it's an unfair business advantage to them versus other businesses in town that live by the regulation.

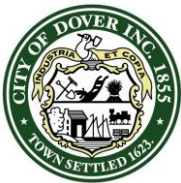
Motion: T. Clark moved to deny the waiver request for expanded hours for the drive-thru as it does not meet criteria for relief. The applicant requested additional parking due to lack of hours and additional hours due to lack of parking. They can't have both. They didn't prove the criteria required. Seconded by: T. Allen.

E. Salovitch noted the board can't regulate the hours of operation for the dining area, but he would personally prefer to have the restaurant closed at 9pm and the drive-thru open 24hrs to keep people from getting out of their vehicle and loitering.

Vote: U/A

STAFF RECOMMENDATION- Site Plan:

§153-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. This plan is consistent with those regulations.



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Should the Planning Board approve the related conditional use permit applications and/or sets conditions related to site design or materials, Staff 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-2025-0005;
2. Approval of COND-2025-0004;
3. Provide copy of AoT Amendment when completed;
4. Add a note that building address will be assigned by the Building Official at time of Building Permit.
5. Add note about drive-thru hours being limited to 6am to 9pm.
6. Provide physical and digital copies (including CAD) of complete plan set for final Planning Board signature which additionally shall include:
 - 6.1. Owner's signatures;
 - 6.2. Professional stamps and signatures;
 - 6.3. Per City Assessor, revise lot number on plan set to Lot 4-3-4 to reflect the correct condo lot.
 - 6.4. Revise parking to 30 spaces with the seven eliminated spaces striped as no parking
 - 6.5. Add a 2x2 inch space for Planning Department approval stamp in the bottom right corner

Subsequent Condition to Be Met Prior to Construction:

7. 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;
8. Wetland buffer placards are installed;

Subsequent Conditions to Be Met Prior to Building Permit:

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

Subsequent Conditions to Be Met Prior to Occupancy:

10. Issuance of Certificate of Occupancy;
11. Surety or other form of security acceptable to the City is provided for any unfinished work;
12. Wetland buffer placards are still in place or replaced per the plan;
13. 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.

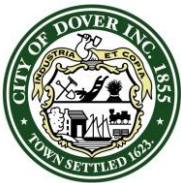
K. Mavrogeorge clarified the seven eliminated spaces can still be constructed as paved area as shown on the plan, and can potentially be used as snow storage.

Motion: K. Mavrogeorge moved to approve the Site Plan with the subsequent conditions set by staff.
Seconded by G. DeBoer.

Vote: 7-2 with Cullen and Dunn opposed

5. STAFF COMMENT

- Thanked Tom for his time operating the cameras during the meeting and that he will be missed.
- TRC items since last meeting:
 - August 7th: TDR proposal to request two residential units at 77-79 Sixth St.
 - August 14th: Site Plan Amendment for 11 McIntosh Drive: proposal for an increase in 20 residential units and increased parking.
 - August 14th: TRC approval for EV chargers at Hannaford on Central Ave.



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- August 14th: TDR Site Plan, residential proposal to construct ten, two-family dwellings on a private road.
- August 21st: Site Plan for 150 Liberty Way, conversion of the existing office building into a mixed-used building with office, commercial, and residential units.
- Upcoming TRC items:
 - August 28th: Site Plan Amendment for the reconstruction of the Dover High School Athletic Complex.
 - 9 Maple St mentioned at public comment is a special exception hearing that has been heard several times at the ZBA
- The Maple Street comment was referencing a special exception granted from ZBA.

6. MEMBER COMMENTS

- The Chair encouraged public such as the one who spoke about 9 Maple St to come with specific information rather than just what they think is happening and accusations. That leads to a lot of misinformation going around.
- The Chair signed the following:
 - Lot Line Adjustments at 4 & 10 Bay View Rd., 104 and 108 Rutland St. and 308 Durham Rd.
 - Minor subdivision at 46 Rutland St. and 200 Sixth St.
 - Lot Merger at Sophie Drive.
 - TDR Plans for 35 Boston Harbor Rd.
- E. Salovitch
 - Noted the case before the board tonight was a tough one and there were many varying opinions by board members. He congratulated the board on expressing their opinions and working the item out through the voting process.
- G. DeBoer
 - Asked if the 9 Maple St case is in an active dispute as indicated
 - D. Benton noted it was most recently before the Zoning Board on Thursday to ask for a rehearing, but it did not get approved for a rehearing.
 -

7. ADJOURNMENT

Motion: G. DeBoer to adjourn at 11:35 p.m. Seconded by D. Glennon. Vote: U/A