

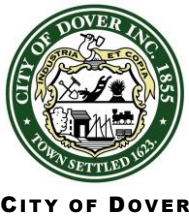
**CITY OF DOVER**

## DOVER PLANNING BOARD – AGENDA

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers, City Hall, 288 Central Ave, Dover NH 03820  
Meeting Date: **Tuesday, June 11, 2019**  
Meeting Time: **7:00 pm**

1. **CITIZENS' FORUM**
2. **APPROVAL OF THE PRIOR MINUTES**
  - May 28, 2019 Regular Meeting Minutes
3. **OLD BUSINESS**
  - A. Public Hearing to consider amendments to Chapter 170, entitled "Zoning Ordinance" of the code of the City of Dover. Amendments include revising terminology, references, footnotes, fees, height of fences, and architectural and streetscape standards including solar. The full text of the amendments is available in Planning Department & at [www.dover.nh.gov](http://www.dover.nh.gov) located under City Documents & View Current City Reports. \*
4. **NEW BUSINESS**
  - A. Consideration and acceptance of a Request to use Transfer of Development Rights to purchase units for Daniel Sheehan, Assessor's Map H, Lot 10, zoned R-20, located at 55 Durham Rd. (Propoal is to buy 2 units) \*(P19-41)
5. **STAFF COMMENT**
6. **MEMBER COMMENTS**
7. **ADJOURNMENT**

\*Indicates that if the application is accepted for discussion, the public hearing will be held the same evening. Note that some hearings will be continued from one meeting to another and some may be postponed. Since this is only a partial description of the proposal and may change, persons with questions or wishing to see the plans are invited to visit the Planning Office, Monday through Thursday from 8:30 am to 5:30 pm and Friday 8:30 am to 4:00 pm or email [Dover-Planning@doover.nh.gov](mailto:Dover-Planning@doover.nh.gov). You may also view materials at [www.dover.nh.gov](http://www.dover.nh.gov). Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>.



## DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting  
Meeting Location: City Council Chamber's 288 Central Avenue  
Meeting Date: **Tuesday, May 28, 2019**  
Meeting Time: **7:00 pm**

**Members Present:** Gina Cruikshank (Chair), Dave Landry, Frank Torr, Tom Clark, Jackson Kaspari, Lee Skinner, Ellen Brooks (Alternate), Matt Sullivan (Alternate), Dennis Ciotti (Councilor),

**Members Not Present (excused):** D. White, James Burdin (Alternate), Hayley Harmon (Vice Chair)

**Members Not Present (un-excused):** None

**Staff Present:** Christopher Parker, Assistant City Manager

The Chair called the meeting to order at 7:00 pm and stated M. Sullivan will sit for D. White and E. Brooks will sit for H. Harmon. D. Landry will act as Vice Chair.

### 1. CITIZENS' FORUM

*Citizens Forum Open* No one spoke. *Citizens Forum Closed.*

### 2. APPROVAL OF THE PRIOR MINUTES

- May 14, 2019 Regular Meeting Minutes

**Motion:** F. Torr made a motion to approve the minutes. Seconded by L. Skinner. Vote: U/A.

### 3. OLD BUSINESS

- A. Public hearing and vote to adopt of the posted Architectural Design Standards in Chapter 149. The full text of the amendments is available in Planning Department & at [www.dover.nh.gov](http://www.dover.nh.gov) located under City Documents & View Current City Reports.\*

C. Parker gave background of the project.

*Public hearing opened.* No one spoke. *Public Hearing closed.*

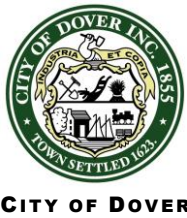
Motion: T. Clark made a motion to approve the Site Review amendments as amended. Seconded by F. Torr. Vote: U/A.

### 4. NEW BUSINESS

- A. Public hearing and consideration of a request for an excavation permit by Brox Industries, Inc., Assessor's Map C, Lots 12A, 13 & 14, zoned R-40, located on Rochester Neck Road/Tolend Road.  
\*(P19-39)

C. Parker provided an overview of the extraction permit review process and stated the issue of regional impact under RSA 36:54 for Board review, noting that 2 years ago regional impact was not declared.

C. Parker noted the subject property is located off of Rochester Neck Road and Tolend Road at both the Barrington and Rochester municipal boundaries. The Applicant has submitted excavation and reclamation plans for each of its three lots in Dover, along with an application for an excavation permit. This constitutes a renewal of the permit approved May 9, 2017 (a biennial process).



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David Clough, Plant Manager, Brox Industries, Inc. represented the applicant, displayed the plan for viewing, and presented the application.

L. Skinner asked the applicant to estimate how many more years are remaining for these pits if business continues as-is. D.Clough stated that there is one pit that could be exhausted immediately, they just haven't closed it yet. They are using it for water storage now. Another one might be 5-10 years and the next is probably 20 years.

L. Skinner asked staff what initiates the onset of reclamation? The City? The applicant?

C. Parker noted the ordinance allows for a defined limit of excavation due to ground water level among other items. The City works with the owners in the process.

D. Landry asked about why the bonds are different, and C. Parker stated it's based on the environment.

D. Ciotti asked about the operating hours listed not being the same. C. Parker says it's based on history as well as the impact to abutters.

**Motion:** F. Torr made a motion to accept the application. Seconded by D. Landry. Vote U/A.

*Public hearing opened. No one spoke. Public Hearing closed.*

### **STAFF RECOMMENDATION:**

Chapter 170-29 of the Zoning Ordinance of the City Code provides for excavation of earth in the City, pursuant to the authority granted by NH RSA 155-E, and requires that earth excavation operators obtain permits, which are valid for 2 years in Dover. Planning Department recommends that the Planning Board approve the permit with the following condition:

#### **Condition to be Met Prior to Issuing the Permit:**

1. The applicant shall provide confirmation from the City's Environmental Consultant and/or Community Services staff that existing conditions are consistent with excavation plan.

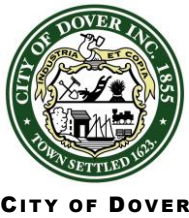
**Motion:** L. Skinner made a motion that the Planning Board determine that this project does not have regional impact. Seconded by D. Landry. Vote U/A

**Motion:** F. Torr made a motion to amend the approved plan with staff recommended conditions. Seconded by D. Landry. Vote U/A.

- B. Public hearing and consideration of a request for an excavation permit by Candia South Branch Holdings, LLC, Assessor's Map H, Lots 59, 60 & 61, zoned I-4, located on Mast Road. \*(P19-40)

C. Parker explained that the subject property is located on Mast Road between Community Services/City-owned land, the Town of Madbury, and the Bellamy River. The Applicant has submitted excavation and reclamation plans for its lots along with an application for an excavation permit. This constitutes a renewal of the permit approved last approved May 9, 2017 (a biennial process). He addressed the concrete plant on Mast Road is not part of the permit and is not part of the Board review.

Kevin McEneaney, McEneaney Survey Associates, Inc. represented the applicant, displayed plans for viewing, and presented the application.



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D. Landy wondered about the note from last year. K. McEneaney confirmed the majority of material at that site will be out in four years.

**Motion:** F. Torr made a motion to accept the applications. Seconded by T. Clark. Vote U/A.

*Public hearing opened.*

Agnes Taranto, 330 Mast Rd sent an email to the office last week and hopes the board has reviewed it. She would like to receive notice regarding when excavation is scheduled to occur and find out how much longer it will continue at this site. There are noise and shaking disturbances at her home. When she purchased the home, she was told it would continue about five years and it's now been six and it looks to be continuing longer.

*Public Hearing closed.*

Ron Severino, manager of the property responded that the bulk of the material should be depleted in 2-4 years. Sand will remain, but the operation will scale down. There is also a concrete plant on site which they have no control over. He also commented they reclaim the areas as they are finished with them. They won't wait until the end to begin that process.

C. Parker noted the property is zoned industrial, but the City is looking into long-range plans for how best to utilize the property after the pit is exhausted.

D. Ciotti asked if there are there blasting regulations for noticing abutters. C. Parker said they are specific to short-term blasting for roadways and he needs to look into the issue further with regards to abutters.

R. Severino stated they aren't doing any blasting. Everyone was unsure what is causing the noise and shaking at the abutting property. C. Parker will follow up with the applicant and the abutter.

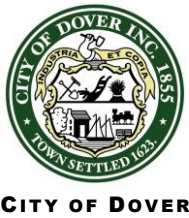
**Motion:** F. Torr made a motion that the Planning Board determine that this project does not have regional impact. Seconded by L. Skinner. Vote U/A

### **STAFF RECOMMENDATION:**

Chapter 170-29 of the Zoning Ordinance of the City Code provides for excavation of earth in the City, pursuant to the authority granted by NH RSA 155-E, and requires that earth excavation operators obtain permits, which are valid for 2 years in Dover. Planning Department recommends that the Planning Board approve the permit with the following condition:

#### **Condition to be Met Prior to Issuing the Permit:**

1. The applicant shall provide confirmation from the City's Environmental Consultant and/or Community Services staff that existing conditions are consistent with excavation plan.
2. The Applicant shall add a note to the excavation plan that the property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance written permission from the City's Community Services Department.
3. The Applicant shall add a note to the excavation plan that hours of operation shall be restricted to 7:00 AM to 5:00 PM weekdays and 7:00 AM to 2:00 PM Saturdays, with gates to the site opening no earlier than 6:30 AM and no Sunday hours.
4. The Applicant shall add a note to the plan regarding the schedule of regular access roadway water wash-downs.



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**Motion:** F. Torr made a motion to approve with staff recommended conditions. Seconded by D. Landry. Vote U/A.

D. Landry noted that 4C and D would be heard together.

C. Consideration and acceptance of a Conditional Use Permit for Little Bay Marina & Development LLC, Assessor's Map 8, Lots 9, 10, 11, & 12, zoned LBW, located at 421, 423, 425, and 427 Dover Point Road. (Proposal will create 2,304 sq. ft. of wetlands impact, 15,579 sq. ft. of 50 foot wetland buffer impact and 58,203 sq. ft. of Conservation District impact on tidal Little Bay. Additionally 4,300 sq. ft. of a soil causeway is proposed to be replaced in the Conservation District.). \*(P19-05)

D. Consideration and acceptance of a Site Review for Little Bay Marina & Development, LLC, Assessor's Map 8, Lots 9, 10, 11, & 12, zoned LBW, located at 421, 423, 425, and 427 Dover Point Road. (Proposal is to develop a condominium containing 23 units plus marina/marina office with 1 dwelling unit and 27 parking spaces. This project has TDR approval from the Planning Board). \*(P19-04)

C. Parker explained that the applicant proposes to merge the existing lots and develop a condominium with 23 units plus 1 dwelling unit above the marina office. The site would be serviced by public water and sewer. The proposal contains impacts within the wetlands, 100' tidal buffer, and 50' buffer area.

The Board voted to sell the additional TDR units at their September 11, 2018 meeting.

The application was reviewed by the Technical Review Committee on February 28, 2019.

The Planning Board and Conservation Commission held a site walk on April 30th.

The Conservation Commission endorsed the applications at its May 13, 2019 meeting.

FX Bruton of Bruton and Berube along with Steve Haight, Civilworks NE., and Kevin McEneaney, surveyor represented the applicant, displayed plans for viewing, and presented the applications.

D. Landry wondered about the 100' buffer and if the TDR units could have no or minimal impact. S. Haight commented the current structures are very close to the water. The new plans move all structures back out of the 100' setbacks.

**Motion:** F. Torr made a motion to accept the applications. Seconded by D. Landry. Vote U/A.

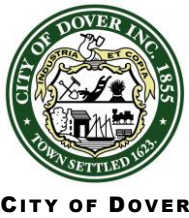
*Public hearing opened. No one spoke. Public Hearing closed.*

### **STAFF RECOMMENDATION – Conditional Use Permit:**

The Wetlands Protection District ordinance provides for Conditional Use Permits to allow impacts to wetlands and wetland buffers if standards related to demonstration of need, avoidance, minimization, and mitigation are met. This proposal is consistent with those standards. The Planning Department recommends that the Planning Board approve the permit with the following condition:

### **Conditions to Be Met Prior to the Issuance of a Conditional Use Permit:**

1. Provide copies of permits from NHDES



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2. Add permit numbers to site plan.

**Motion:** D. Landry made a motion to approve with staff recommended conditions. Seconded by L. Skinner. Vote U/A.

### **STAFF RECOMMENDATION – Site Plan:**

Chapter 149-4 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. The Planning Department recommends that the Planning Board approve the permit with the following condition:

#### **Conditions to Be Met Prior to the Signing of Plans:**

1. Conditional Use Permit (P19-05) is approved
2. All conditions of approval from TDR application (P18-41) shall be addressed including paying the TDR fees.
3. The applicant shall provide
  - a. a digital version of plan set
  - b. cross access easement documentation and Condominium Association Documents to the satisfaction of the Assistant City Manager with consultation from the City's Legal Counsel.
  - c. documentation that Newick's will allow the emergency access onto their property
  - d. traffic study stamped by PE
4. The applicant must revise final plan set to:
  - a. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
  - b. Add LLS, PE, Architect, and LA signatures and stamps to final plan
  - c. Add state permit numbers
  - d. Revise note 3 to indicate what is being provided in the proposed column.
  - e. materials (vinyl clapboard and azek on trim) to the elevations
  - f. Lighting plan to meet regulations
  - g. Label floor plan for marina office as "retail" rather than "shop"
  - h. Remove "variance plan" on architectural plans
  - i. Provide contours 100' feet off the property.

#### **Conditions to Be Met Prior to any Construction Activity:**

5. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Assistant City Manager.
6. Applicant shall complete Land Use Development Tracking Form, most recently revised version, utilizing the online Pollution Tracking and Accounting Pilot Project (PTAPP) portal. <https://www.unh.edu/unhsc/ptapp>

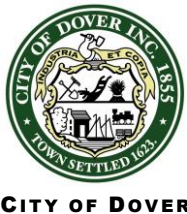
#### **Conditions to Be Met Prior to Issuance of a Building Permit:**

7. The new building shall be assessed and pay the current water and sewer investment fees in place at the time of application for service.
8. The applicant shall provide proof that the cross-access easement has been recorded or is not necessary.

#### **Conditions to Be Met Prior to Occupancy:**

9. Issuance of a certificate of occupancy.
10. Impact fees shall be paid per the invoice included with the Notice of Decision.
11. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
12. The applicant shall provide proof that the condominium association has been formed and is active.





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**Motion:** L. Skinner made a motion to approve with staff recommended conditions. Seconded by D. Landry. Vote U/A.

E. Consideration and acceptance of a Site Review for Northern Pool & Spa (Owner: 29 Littleworth Road LLC) Assessor's Map G, Lot 6, zoned I-4, and located at 29 Littleworth Road. (Proposal is to construct an 11,728 sq. ft. office and warehouse. Other improvements include access and parking areas, stormwater treatment and an on-site wastewater disposal field). \*(P19-26)

C. Parker explained that the applicant proposes to construct a warehouse and office for their pool business at 29 Littleworth Road which is currently a vacant lot near the railroad tracks. The site is proposed to be serviced by municipal water and sewer.

This application was reviewed by the Technical Review Committee on March 28 and May 2, 2019.

Ken Wood, Attar Engineering Inc. represented the applicant, displayed plans for viewing, and presented the application. Owner and developer Peter Paul was also present.

**Motion:** F. Torr made a motion to accept the application. Seconded by D. Landry. Vote U/A.

*Public hearing opened.* No one spoke. *Public Hearing closed.*

### **STAFF RECOMMENDATION – Site Plan:**

Chapter 149-4 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. Planning Department recommends that the Planning Board approve the permit with the following condition:

### **Conditions to Be Met Prior to the Signing of Plans:**

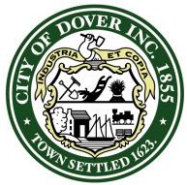
1. The applicant shall provide:
  - a. Approved NHDOT Driveway permit
  - b. A digital version of plan set
  - c. Revised letter to serve from Eversource
2. The applicant must revise final plan set to:
  - a. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
  - b. Add LLS, PE, and LA signatures and stamps to final plan
  - c. Combine colored architectural renderings, floorplans, existing conditions and site plans into one plan set
  - d. Revise the landscape plan to meet the minimal caliper size
  - e. Add commons site notes 18, 22, 26, 28, 29 and 34
  - f. Note NHDOT Driveway Permit number

### **Conditions to Be Met Prior to any Construction Activity:**

3. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Assistant City Manager.
4. Applicant shall complete Land Use Development Tracking Form, most recently revised version, utilizing the online Pollution Tracking and Accounting Pilot Project (PTAPP) portal. <https://www.unh.edu/unhsc/ptapp>

### **Conditions to Be Met Prior to Issuance of a Building Permit:**

5. The new building shall be assessed and pay the current water and sewer investment fees in place at the time of application for service.



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### Conditions to Be Met Prior to Occupancy:

6. Issuance of a certificate of occupancy.
7. Impact fees shall be paid per the invoice included with the Notice of Decision.
8. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

**Motion:** F. Torr made a motion to approve with staff recommended conditions. Seconded by D. Ciotti. Vote U/A.

D. Landry noted that 4F and G would be heard together.

F. Consideration and acceptance of a Conditional Use Permit for One First Dover, LLC, Assessor's Map 6, Lot 20, zoned CDB-G, and located at 1 First Street. (Proposal is to allow a sixth story building in an area that only allows five). \*(P19-17)

G. Consideration and acceptance of a Site Review for One First Dover, LLC, Assessor's Map 6, Lot 20, zoned CBD-G, and located at 1 First Street. (Proposal is to raze the existing building and construct a five to six story building containing 71 residential units and 4 street-level commercial spaces totaling 6,199 sq. ft. The proposal includes a lower level parking garage containing 29 parking spaces). \*(P19-16)

C. Parker explained that the applicant proposes to demolish the existing building and construct a new mixed-use building between First and Second Streets. The project includes 71 dwelling units and commercial space fronting both First and Second Street with garage spaces on First Street. With the elevation change there would be a sixth story on First Street and 5 stories on Second Street. The additional height is allowed on First Street, via a Conditional Use Permit, for either providing subgrade parking, or identifying units as meeting HUD Fair Market Rent rates, as opposed to the open Market. As of April 15, 2019, HUD documents this to be \$909 for an efficiency, \$916 for a 1 bedroom and \$1,161 for a 2 bedroom.

This application was reviewed by the Technical Review Committee on March 7 & April 18, 2019 (minutes attached). May 21<sup>st</sup>, the Parking Commission endorsed a long-term parking lease until 2041. The City Council will review in June.

Final note, while the architectural design standards were not officially in place when this project was proposed, the applicant agreed to adhere to them creating a design that reflects the built environment around it.

Tucker McCarthy, Keach Nordstrom, represented the applicant, displayed plans for viewing, and presented the applications. Brittany Rotunda, DeStefano Architects and the project attorney Chris Swiniarski were also present.

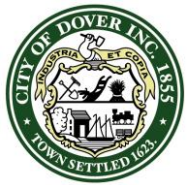
**Motion:** F. Torr made a motion to accept the applications. Seconded by L. Skinner. Vote U/A.

*Public hearing opened.*

D. Choat 500 Market St Portsmouth- Collier's International- the marketing agent for the building has been in the building while they were showing it. The previous owner stored the wood materials from the original finishes in the basement. It is labeled if any historians want it. The cross-braces from the courtroom should be saved. They are like gargoyles with dragon heads. He volunteered to give access to the space if the City representatives want to look at the materials.

Phyllis Woods 1 Berry St and 19 Second St asked the board:





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- How attractive to businesses will the retail space be on a one-way street with limited on-street parking?
- What is the impact with the increased traffic?
- What is the impact to fire and emergency vehicles navigating that road?
- How will the fire department access a sixth-story fire?
- This property is not unusual and has no hardship circumstance to grant this request. This will set precedent.
- The impact this will have on abutters: obstruction of views, air flow, light availability.
- Regarding the demolition of an historical building: she would like to preserve this- one of the last remaining in Dover.

David Thompkins executive director of Woodman Institute says this will completely alter the character of this historic building. He says he was present tonight because the Mayor asked him to be and that she is against this proposal. He wants to protect these few buildings from Dover's history. He appreciates expanding the tax base, but not at the expense of losing this building.

*Public Hearing closed.*

C. Parker addressed some of the public concerns of traffic, height, fire safety and the historic aspect of the structure. He noted that Dover does not have an Historic District to monitor these issues.

F. Torr would like C. Parker to facilitate communication among the developer and interested parties regarding the materials stored in the basement. He also wondered if the granite lintels will be preserved. The applicant will find out.

F. Torr wondered how the parking will be enforced. C. Parker said the parking manager and the leasing company will be in communication and monitor it.

### **STAFF RECOMMENDATION – Conditional Use Permit:**

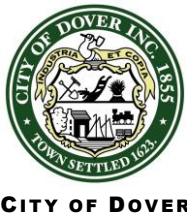
Chapter 170-20.D(2) of the City Code allows for approval for the building height to exceed 5 stories, by an additional story, provided that the additional story shall be setback from the allowed height to create a terrace, and additional units resulting from this CUP are restricted so that the rent of said units conforms to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority.

Chapter 170-20-B(1) of the City Code states for a Conditional Use Permit to be issued, should the proposed project comply with the standards outlined. This plan is consistent with the criteria as described in the applicant's memo dated February 8, 2019, and as noted on the plan.

The applicant and its architect have noted that the portion of the building upon First Street is 6 stories. If that portion of the building was removed, 6 of the 12 units on the top floor would be removed. The Planning Department recommends that the Planning Board approve the permit with the following condition:

### **Conditions to Be Met Prior to the Issuance of a Conditional Use Permit:**

1. Site Plan (P19-16) is approved.
2. The applicant shall be subject to a formal agreement between the Planning Board and the applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds per Chapter 170-20-B(3), and include:



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- a. A notation that six of the units within the building must be restricted so that the rent of said units conforms to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority.
- b. A recitation of note 25 on sheet 1 of the site plan.

**Motion:** F. Torr made a motion to approve with staff recommended conditions. Seconded by L. Skinner.  
Discussion:

D. Landry asked about losing some units if the elevation is not approved. C. Parker confirmed and stated the HUD units would also be lost if the height is not approved. D. Landry is not in favor of the sixth story.

D. Ciotti agreed with D. Landry and is opposed to the sixth story. He doesn't think this is the right area of the city for this building height.

G. Cruikshank does not have a problem with the height. They are utilizing the topography well and she is in favor of the affordable units.

F. Torr believes this project may open up this area to more development and improvement and increase the value of an area which has been neglected.

Vote: 7-2 with D. Landry and D. Ciotti opposed.

### **STAFF RECOMMENDATION – Site Plan:**

Chapter 149-4 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. The Planning Department recommends that the Planning Board approve the permit with the following condition:

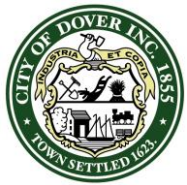
### **Conditions to Be Met Prior to the Signing of Plans:**

1. The applicant shall provide a digital version of plan set
2. The applicant must revise final plan set to:
  - a. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
  - b. Add LLS, PE, Architect, and LA signatures and stamps to final plan
  - c. Relocate sewer line to not interfere with transformer pad unless Eversource allows it to remain
  - d. Revise view from the Riverwalk to show building, not the outline
  - e. Confirm 4' fence will properly screen dumpster
  - f. Correct the spelling of Cochecho River on all sheets
3. The City Council shall approve the parking lease

### **Conditions to Be Met Prior to any Construction Activity:**

4. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Assistant City Manager.
5. Applicant shall complete Land Use Development Tracking Form, most recently revised version, utilizing the online Pollution Tracking and Accounting Pilot Project (PTAPP) portal. <https://www.unh.edu/unhsc/ptapp>
6. Install signage noting visibility and noise during any earthwork, to the satisfaction of the City Engineer.

### **Conditions to Be Met Prior to Issuance of a Building Permit:**



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Meeting Time: **7:00 pm**

7. The new building shall be assessed and pay the current water and sewer investment fees in place at the time of application for service.

**Conditions to Be Met Prior to Occupancy:**

8. Issuance of a certificate of occupancy.
9. Impact fees shall be paid per the invoice included with the Notice of Decision.
10. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
11. Contribute a third of the cost of adding a crosswalk, tip downs and ped light at the southerly leg of the Chestnut and First St light.

**Motion:** F. Torr made a motion to approve with staff recommended conditions. Seconded by J. Kaspari.  
Vote U/A.

### 5. STAFF COMMENTS

- TRC item since the last meeting: Final review of 10 Fourth Street and 22 Fifth Street.
- In addition to the 1 First Street project, the Parking Commission agreed to long term parking for 10 Fourth Street
- Rezoning Committee update
- Kirt Schuman named Citizen Planner of the Year by NHPA
- Regarding TDR: if someone pays for the units and then decides not to build the units, what does the City do? The staff has decided that since site plans are good for five years, then TDR plans are good for five years. If the applicant wants to void the TDR, there is a process to abate the money. If all approved units were not constructed, the money cannot be banked for future use because the fees could increase annually.

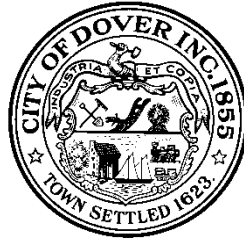
### 6. MEMBER COMMENTS

- D. Ciotti further wondered if TDR units are paid for and the money is spent by the City to purchase conservation land, how would the money be refunded?
- D. Ciotti reported there is no City Counsel meeting until June 26<sup>th</sup>. The railroad plans to do work this week at Chestnut St.
- L. Skinner suggested a workshop for the TDR discussion.
- L. Skinner is concerned about parking access in the CBD.

### 7. ADJOURNMENT

**Motion:** T. Clark made a motion to adjourn at 9:34 pm. Seconded by F. Torr. Vote U/A

Christopher G. Parker, AICP  
Assistant City Manager  
Planning and Strategic Initiatives  
c.parker@dover.nh.gov



288 Central Avenue  
Dover, New Hampshire 03820-4169  
(603) 516-6008  
www.dover.nh.gov

## *City of Dover, New Hampshire*

### Department of Planning & Community Development

June 01, 2019

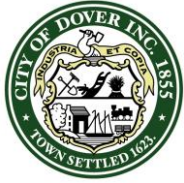
Dear Dover Property Owner:

The Dover Planning Board has scheduled two opportunities for the public to learn about and provide feedback on 11 proposed amendments to the Dover Zoning Ordinance. First will be a public input session on **Tuesday June 11, 2019** and second will be a Public Hearing on **Tuesday, June 25, 2019**. You are invited to attend one or both of the meetings, which will be held in **City Hall's City Council Chambers, 288 Central Avenue at 7:00 PM**. The amendments are the result of a comprehensive effort by the Planning Board to involve the public in the process. These amendments were developed with input from Planning Board members, Planning Department staff, a third party Code Review Company, and work from a Committee to review architectural standards. The amendments are designed to encourage context-sensitive development that meets the needs of our residents, to promote economic growth and infill, and to help to contribute to a vibrant urban core.

The following is a summary of the amendments:

1. Purpose statement.
2. Amend Chapter 170-6 clarifying the definition for "Child Care Home"
3. Amend Chapter 170-8 updating the date of the Zoning Map to match codification.
4. Amend 170-25 to clarifying references in the Floodplain Development section.
5. Amend Chapter 170-27.1 revising the definition of a Certified Wetlands Scientist to match RSA 310-A:76.
6. Amend Chapter 170-12 revising the Dimensional Regulations Table in the Heritage Residential (HR) District to correct a footnote, update setbacks in the Cochecho Waterfront District (CWD) and the tables in the Central Business District (CBD).
7. Amend Chapter 170-20 D revising the text of section B to refer to Article XI and not Article X as listed.
8. Amend Chapter 170-20 E clarifying that right of way instead of streets take precedent, defining public art components, unpaved areas, and sidewalk/bench materials.
9. Amend Chapter 170-20 F changing architectural standards from optional to required and creating thresholds for solar panels and green rooves.
10. Amend Chapter 170-30.2 revising the listed fees to refer to the Fee Schedule.
11. Amend Chapter 170-33 revising the height of fences from 6 to 8 feet Citywide.
12. Amend Chapter 170-53 revising the listed fees to refer to the Fee Schedule.
13. Takes Effect

The full text of the amendments is available in the Planning Department in City Hall, 288 Central Avenue, from 8:30 AM to 5:30 PM Monday to Thursday, from 8:30 AM to 4:00 PM Friday, and in the Public Library during regular business hours. View the amendments on the City's website at <https://bit.ly/2wkLfOY>. Written comments are encouraged. Follow us on Twitter @DoverNHPlanning and find us on Facebook at [www.facebook.com/DoverNHPlanning](http://www.facebook.com/DoverNHPlanning)



**CITY OF DOVER**

## PLANNING BOARD - STAFF MEMO FILE #P19-41

Application Type: Transfer of Development Rights  
Applicant(s): Daniel Sheehan  
Owner(s): Daniel Sheehan  
Location: 55 Durham Road (Assessor's Map H, Lot 10)  
Meeting Date: June 11, 2019

**INTENT:** To convert the existing residence into a duplex by right and to build a second duplex by buying the rights through Transfer of Development Rights should the Board vote to allow the duplex. This would create a total of 4 units on the property

**LOTS/UNITS PROPOSED:** TDR to buy 2 additional units (total of 4)

**AGENDA ITEM #:** 4-A

**ACREAGE** 1.54 acres

**ZONING DISTRICT:** R-40

**EXISTING LAND USE:** Residential

**PROPOSED LAND USE:** 4 dwelling units

**SURROUNDING LAND USE:**  
Residential and school

**ZBA ACTION:** None

**ATTACHMENTS:** Application materials and TDR Concept Plan

**APPLICATION IS COMPLETE:** Yes for TDR Vote

**NOTICES SENT:** Abutter notices were sent by certified mail to all abutters for this meeting

**PERMITS REQUIRED:** N/A

**WAIVERS REQUESTED:** N/A

### Summary of Request and Background

Per Chapter 170-27.2.E(4), the applicant is requesting that the Board vote on the plan indicating the additional two units can be built where they are not allowed by right. The applicant is using the non-restricted style of TDR.

The sketch layout shows a new duplex being built on a site with an existing residential home, which is able to be converted to a two family, totaling four units if the Board approves the plan. If the lot were subdivided the applicant could get one unit by right, on the new lot, and either do an accessory dwelling unit on the second

### Consistency with Land Use Regulations

Chapter 170-27.2 of the Zoning Ordinance allows for developments to buy additional units through the process of Transfer of Development Rights.

The process allows the applicant to come to the Board with a concept sketch. Since the applicant is requesting an additional duplex, full Planning Board review is not applicable and therefore the Planning Board would only act on the request for the additional units and the applicant would not need to come back before the Board with a full site plan. Should the Board find the request is in keeping with the intensity and density of the neighborhood, then it should grant the additional units.

### STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board accept the application, open the public hearing, close the public hearing, and vote to approve the application of TDR to the Site Plan with the following conditions:

#### Conditions to be Met Prior to Granting the TDR:

1. Payment of the TDR fee (\$26,804)
2. Revise the plan to note what relief is granted and any requirements of Chapter 170-27.2. G0 (3) (b)

#### Conditions to be Met Prior to Issuance of a Building Permit:

4. Technical Review Committee reviews the parking lot and stormwater management for administrative approval
5. The new dwelling units shall be assessed and pay the current water and sewer investment fees in place at the time of application for service.

#### Conditions to be Met Prior to Occupancy

5. Issuance of a certificate of occupancy.
6. Impact fees for new dwelling units shall be paid per the invoice included with the Notice of Decision.
7. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.



## 55 Durham Rd Request



## Property Information

Property ID H0010-000000  
Location 55 DURHAM RD  
Owner SHEEHAN DANIEL H  
Land Use 101

MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 5/3/2019  
Data updated Daily

Create new 2 unit building, across the driveway from the existing building. New building to compliment existing building, and share driveway and parking.



## P19-41 55 Durham Rd

**Property Information**

**Property ID** H0010-000000  
**Location** 55 DURHAM RD  
**Owner** SHEEHAN DANIEL H  
**Land Use** 101

**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

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Geometry updated 5/3/2019  
Data updated Daily



# City of Dover, New Hampshire

## TRANSFER OF DEVELOPMENT RIGHTS APPLICATION

[Revision Date: August 16, 2018]

RECEIVED  
Planning Office

Office Use Only

Project #:

Amount Paid:

719-41  
\$ 280.00  
CC#

Date Received:

MAY 28 2019

Time Received:

Dover, New Hampshire

### APPLICANT AND OWNER INFORMATION

Name of Applicant: Dan Sheehan Telephone # 603-868-7000

Address of Applicant: 7 Mill Rd, Durham, NH 03824-3047

E-Mail Address: dan@sheehanre.com

Name of Property Owner (if different from applicant): Telephone #

Address of Property Owner:

### PROPERTY INFORMATION

Assessor's Map # H Lot(s) # 10

Address of Property: 55 Durham Road

Zoning District(s) R-20 Overlay District(s)

Existing Use of Property: Single Family home eligible to be converted to a two family home

### TRANSFER OF DEVELOPMENT RIGHTS INFORMATION

Type of TRANSFER OF DEVELOPMENT RIGHT REQUEST (Check All That Apply):

☒ Residential ☐ Residential (reduced size) ☐ Industrial | ☒ Purchase ☐ Land Preservation

Relief sought (Check All That Apply):

☐ Lot Size ☐ Frontage ☐ Setback ☒ Increase by 2 units

Describe Proposed Use or Activity that requires TDR; describe any impacts and document mitigation:

Goal of the application is to add a second two unit building, or two single units to the right of the existing driveway. The driveway would be shared between all four units and has enough space to be used for the parking and safe enter/exit of the site.

This strip of Durham Road is a mix of one and two family homes. The lot abuts Dover Middle School on two of three sides, so no impact to that abutter. Across the street is the Garrison Condos, and directly

south are two homes one two lots, with a wide wooded area between them and the existing house, which will not be impacted by the additional two family home.

List Any Associated State or Federal Permits That Have Been or Will Be Applied For and Indicate Their Status: N/A

Name of Professional That Prepared TDR Plans: N/A

Address \_\_\_\_\_ Telephone #: \_\_\_\_\_

Professional License #: \_\_\_\_\_ E-mail address: \_\_\_\_\_

### SIGNATURES

I/We hereby submit this application to the City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

Signature of Property Owner: Daniel H Sheehan Date: 6/2/19

Signature of Applicant (if different from owner): \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Agent: \_\_\_\_\_ Date: \_\_\_\_\_

### AUTHORIZATION TO ENTER SUBJECT PROPERTY

I, and my successors, hereby authorize members of the Dover Planning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: Daniel H Sheehan Date: 6/2/19

P19-41

55 DURHAM ROAD

| Property ID  | Location     | Owner 1              | Owner 2           | Owner Address 1   | City       | State | Zip        |
|--------------|--------------|----------------------|-------------------|-------------------|------------|-------|------------|
| H0009-000000 | 65 DURHAM RD | LYLE SPRINGBOARD LLC |                   | 38 FRANCESCA WAY  | NOTTINGHAM | NH    | 03290      |
| H0009-A00000 | 67 DURHAM RD | PHENNER MICHAEL V &  | ORTIZ KAREN       | 67 DURHAM RD      | DOVER      | NH    | 03820      |
| H0011-001000 | 16 DALEY DR  | CITY OF DOVER        | SCHOOL DEPARTMENT | 288 CENTRAL AVE   | DOVER      | NH    | 03820      |
| I0009-000000 | 32 DURHAM RD | HADLEY CARA W        |                   | 32 DURHAM RD      | DOVER      | NH    | 03820      |
| I0009-B00000 | DURHAM RD    | THE GARRISON CONDOS  |                   | 95 BREWERY LN #10 | PORTSMOUTH | NH    | 03801      |
| H0010-000000 | 55 DURHAM RD | SHEEHAN DANIEL H     |                   | 7 MILL RD         | DURHAM     | NH    | 03824-3047 |



**To:** Planning Board  
**From:** Christopher Parker, AICP  
**Cc:** Planning Staff  
**Date:** June 6, 2019  
**Re:** TDR

**ISSUE:**

In May of 2018 the Board approved amendments to the Transfer of Development Rights (TDR) Ordinance. The Board has asked for a review of applications since that time.

**INTENT:**

This memo will guide you through the information gathered on the use of TDR

**GOALS:**

Provide background of the current housing shortage, and describe the TDR applications in Dover.

**TDR AMENDMENT HISTORY:**

Posted: May 22, 2018  
Adopted: July 24, 2018  
Ratified: August 22, 2018

**SUMMARY OF DATA:**

|                               |            |           |             |
|-------------------------------|------------|-----------|-------------|
| TDR Projects: 9               |            |           |             |
|                               | Old Style: | 5         | Underway: 1 |
|                               | New Style: | 4         | Underway: 2 |
| Units:                        |            | Base      | TDR         |
|                               | Old Style: | 21        | 137         |
|                               | New Style: | 15        | 21          |
| Removing Pointe Place TDR:    |            |           |             |
|                               | Old Style: | 21        | 18          |
| Revenue to Conservation Fund: |            | \$643,308 |             |

Between June 12, 2018 and May 28, 2019, the Planning Board has reviewed and approved 9 applications to use Transfer of Developments Rights as a means to add units to a project. These 9 projects utilize the older process created in 2003; amended in 2010, and the newer process created in 2018.

**Background**

Since 2003, Dover has had a residential Transfer of Development Rights ordinance. The initial program allowed for preservation of land as a means to transfer units from one section of Dover to another. The main focus was protecting land west of the Spaulding Turnpike and encouraging development east of the Spaulding.

In 2010 that program, which had not been used, was amended to allow for a direct purchase of units from the City. The overall parameters were the same, with a formula for transferring density. Prior to 2018 this had been used once in 2014 when land on Cold Springs Road was set aside for units on Pointe Place, as part of the mixed use development. In April 2018 it was used to purchase units at 58 New Rochester Road.

In 2018, a further revision added the ability to purchase single family units at a reduced rate in exchange for limiting square footage. The goals for the TDR were expanded beyond encouraging infill development and providing funding for conservation activities to include encouraging single family home sales at a more affordable cost, recognizing the high land cost in Dover, and the market conditions.

According to the New Hampshire Housing Finance Authority (NHHFA), New Hampshire has a dearth of housing and specifically affordable housing. NHHFA notes that in New Hampshire the presumed price threshold for an affordable single-family home is \$300,000. Statewide, new home sales averaged \$373,300 in 2018, a 19% increase since 2014. The median sales price in the State is \$250,000.

Adding to the cost factor is that the availability of housing has continued to be reduced. Between 2006 and 2009 home construction declined from an average of 500 homes per year (statewide) to 200, where it has remained. In fact, there is a 1% vacancy rate in the seacoast.

In Dover, new home sales average \$450,000. Existing homes average \$275,000. Since 2010, single family home permits, in Dover, have been flat at an average of 60 per year, about half the previous decade. The bulk of all permits issued are rehab/renovation. In fact, between January 1, 2008 and December 31, 2018 (11 years), the Planning Board approved 293 lots, for an annual average of 26. The largest subdivision was a re-approval of 49 units on Emerald Lane, which had been approved in 2005 (removing that creates 242 lots, with an average of 22 lots). The average subdivision has had 7 units within it. In 2018, the Board approved 29 lots (14 via TDR), and halfway through 2019, the Board has approved 13 new lots (7 via TDR). The remainder were 1 and 2 lot subdivisions, in both years.

Dover has seen quite a bit more multi-family/mixed use development in the same time frame. 531 units have been approved since 2016 within mixed use buildings, 119 via TDR. If the Board removed the 119 units on Pointe Place, the mixed use number reduces to 412 total with 0 via TDR. The Board has approved 94 multi-family units, 24 via TDR.

### **Project Information**

What follows is a summary of each project approved by the Board. The four new projects are listed first, with the older style projects following.

Project: Carmen's Drive  
Where: 99 Sixth Street  
What: Private roadway with 2 existing units and 4 additional single family dwellings  
Acres: 2.07  
Zone: R-12  
Date Approved: 6/12/2018  
Date Signed: 6/26/2018  
Style: New  
Unit: 4 by right, 2 purchased (1,400 sf)  
Status: Under construction  
Sales Data: No units sold  
Note: Could have existed under old version, elected to restrict homes, after ordinance was ratified.

Project: Beaumont Drive  
Where: 146 Dover Point Road  
What: Private roadway to access the existing single family dwelling and to construct 10 single family dwellings  
Acres: 4.23  
Zone: R-20  
Date Approved: 8/28/2018  
Date Signed: 1/8/2019  
Style: New  
Unit: 6 by right, 5 purchased (1,400 sf)  
Status: Under construction  
Sales Data: No units sold

Project: Cottage Park  
Where: 56 Dover Point Road  
What: Private roadway with 7 single family dwellings  
Acres: 1.93  
Zone: R-40  
Date Approved: 12/11/2018  
Date Signed: Unsigned  
Style: New  
Units: 2 by right, 7 purchased (3 1,000 sf | 4 1,400 sf)  
Status: Plan to be signed  
Sales Data: No units sold

Project: Lundy Pony Drive  
Where: 32 Old Stage Road  
What: Private roadway with 10 single family homes, 9 new  
Acres: 4.68  
Zone: R-40  
Date Approved: 04/09/2019  
Date Signed: Unsigned  
Style: New  
Units: 3 by right, 7 purchased (1,400 sf)  
Status: Plan not signed  
Sales Data: No units sold

Project: Little Bay Marina  
Where: 420 Dover Point Road  
What: 23 townhouses with marina and retail shop.  
Acres: 3.49  
Zone: LBW  
Date Approved: 5/28/2019  
Date Signed: Unsigned  
Style: Old  
Unit: 15 by right, 8 purchased  
Status: Plan not signed

Project: Maple Street  
Where: 44 Maple Street  
What: 2 multi-unit buildings replacing a warehouse  
Acres: 0.64  
Zone: I-1  
Date Approved: 04/09/2019  
Date Signed: Unsigned  
Style: Old  
Units: 5 by right, 7 purchased  
Status: Plan not signed

Project: Pointe Place phase 2  
Where: Pointe Place  
What: Three buildings, 1 mixed use, 2 residential 119 units  
Acres: 20.9 (includes phase 1 and parking lots)  
Zone: RCM  
Date Approved: 09/25/2018  
Date Signed: Unsigned  
Style: Old  
Units: 0 by right, 90 purchased | 29 through conservation  
Status: Plan to be signed

Project: Wolcott  
Where: 55 Prospect St  
What: Duplex, where SF and ADU allowed  
Acres: 1.0  
Zone: R-12  
Date Approved: 10/23/2018  
Date Signed: N/A  
Style: Old  
Units: 1 by right, 1 purchased  
Status: Under construction

Project: Strange  
Where: 96 Portland Ave  
What: 2 units behind existing 2 unit  
Acres: 0.28  
Zone: CBD  
Date Approved: 2/19/2019  
Date Signed: Unsigned  
Style: Old  
Unit: 2 by right, 2 purchased  
Status: Plan not signed

## CONCEPTUAL

Project: Sheehan  
Where: 55 Durham Rd  
What: Duplex, where SF and ADU allowed  
Acres: 1.54  
Zone: R-20  
Date Approved: N/A  
Date Signed: N/A  
Style: Old  
Unit: 2 by right, 2 purchased  
Status: Under Review

Project: Princeton properties  
Where: Plaza Drive  
What: One 24 unit building  
Acres: 5.8  
Zone: R-12  
Date Approved: N/A  
Date Signed: N/A  
Style: Old  
Units: 0 by right, 24 purchased  
Status: Under Review

### Staff Comment

When reviewing projects, staff visit the site, review the context, discuss options with the applicant and advises if it makes sense to request the purchase before or after designing a fully laid out plan. Furthermore, staff discuss the cost/benefit analyses on the proposal with the applicant.

It is worth noting that beyond the above, staff has reviewed and advised applicants against four “new” style projects. These are projects where:

- A 500’ road could not be created
- Waivers would be needed, but not under the base development
- There were excessive environmental constraints

Nine projects is not enough data to evaluate the success of a program, especially when only three of those projects have actively begun. More data should be collected and reviewed in January at the goal setting session. By that time sales data on the “new” style should be in place.

This community acts strategically, and we need to focus on data driven decision making whenever possible. There is a difference between housekeeping and wide ranging amendments. Absent more data, wide-ranging changes would be reactionary as opposed to thoughtful. Based upon staff’s review of the process, and conversations with applicants, in January the following housekeeping changes should be considered:

- Clarify rounding of units in the formulas
- Clarify need to meet roadway criteria laid out in Site and Sub regs
- Increase external buffers from 10’ to 30’
- Define what should be included on a plan (topo, wetlands etc)
- Allow only where water/sewer utilities exists