



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, June 25, 2019**
Meeting Time: **7:00 pm**

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

Members Not Present (excused): Hayley Harmon (Vice Chair), James Burdin (Alternate), Jackson Kaspari

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 H. Harmon.

1. CITIZENS' FORUM

Citizens Forum Open

Mike Lessard 18 Chapel St is concerned about Dover's character changing- people from outside Dover purchasing buildings and tearing them down for redevelopment.

Gerard Nielsen 26 Hillcrest Dr is concerned about the number of apartments going up in Dover especially with the lack of parking available. New growth should be new businesses and they shouldn't receive tax breaks historically given.

Nancy Gauthier 162 Henry Law Ave expressed her support for updating the setbacks for the waterfront district.

Pam Lessard 62 Glenwood Ave is appreciative of Dover's heritage. She's now concerned about new structures being built too close to sidewalks and changing the landscape of the town.

Lisa Stacy 75 Long Hill Rd agreed with Ms. Lessard regarding setbacks. She is also concerned with the zoning change at Little North Rd for the baseball project which has fallen through. She is worried that no parameters were set in the instance the baseball project didn't go on that property.

C. Parker responded to several of the public comments explaining City ordinances and regulations when applicable.

Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- June 11, 2019 Regular Meeting Minutes

Motion: F. Torr made a motion to approve the minutes. Seconded by D. Landry. Vote: U/A.

3. OLD BUSINESS

- A. Public hearing and possible vote on an 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 located under City Documents & View Current City Reports. *



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C. Parker gave background of the project and briefly reviewed each amendment. He noted comments were received from the Arts Commission whom he will ask to speak during public comment. Comments were also received requesting information about the solar panels and green roofs. C. Parker explained where in the regulations authority is given for these amendments.

Comments were also received regarding the tables. If the amendments are adopted, the tables will also be adopted. C. Parker reviewed the changes that have been proposed.

Public hearing opened.

Linnea Nemeth 21 Taylor Rd, Vice Chair of the Arts Commission explained the language the Arts Commission is suggesting for approval.

Item 3A in Streetscape is fine as written but she suggested it doesn't need to be the first item.

For item B they suggest a broader definition of what public art is rather than listing specific mediums.

"Public Art: works of art in any media that have been planned and executed with a specific intention of being sited or staged in the physical public domain, usually outside and accessible to all." Examples could be sited.

Article C- Maritime Heritage: Prefer to expand this rather than pinpoint just the Maritime theme. There are other heritage themed projects planned that are not maritime-themed. "Public art is a part of our public history and heritage, part of our evolving culture, reflects and reveals our society and adds meaning to our cities. Public art should create a chronicle of public experiences through a variety of genres and mediums."

Street Furniture: "We encourage public art and innovative design to be incorporated into the street furniture, waste bins and bike racks."

Public Hearing closed.

L. Skinner suggested the document is not ready for vote tonight. There are sections missing and a portion the board just heard some suggested changes audibly.

C. Parker suggested the board discuss their opinions of the suggested changes by the Arts Commission so the Planning Department can work with them on the language. He also suggested voting on removing Item 7 from the amendments since there are no changes suggested for that section.

D. Ciotti agreed with L. Skinner.

Motion: T. Clark moved to remove amendment 7 and table the amendments for further conversation.
Seconded by F. Torr. Vote U/A

D. Landry commented that there is differing language between paragraphs: shall be, can be, should be and the board should review that language along with content.

4. NEW BUSINESS

A. Consideration and acceptance of a Minor Subdivision for Thomas E. Allen, Assessor's Map J, Lot 8, zoned R-40, and located at 232 Spruce Lane Ext. (1 new lot) *(P19-43)

C. Parker stated that the applicant wishes to subdivide their 8-acre parcel into two. The new lots would be 6.02 acres and 2.01 acres. The new lots meet the frontage and area requirements and will be served by private well and septic systems. As this is a minor subdivision, it did not go before the Technical Review Committee.



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Steve Haight, Civilworks NE, and McEneaney Survey represented the applicant, discussed the proposal and presented the application. It has been submitted to the state for approval. It meets all zoning and soil regulations.

D. Ciotti asked if the existing well is 150 feet from the existing structure. S. Haight confirmed it is.

T. Clark wondered about the topography and if the driveway will meet grading regulations. S. Haight confirmed it will and explained the driveway plan.

L. Skinner asked about the wetlands boundary and where the symbols are located on the plan. S. Haight will look into it and fix the symbols if necessary.

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

Public hearing opened.

Matt Gentile 230 Spruce Ln Ext expressed concern for the well being placed too close to the property line and drawing too much water.

C. Parker and S. Haight clarified that the well will be hundreds of feet deep drawing its own water supply. The 75' well radius is protection from septic systems.

Public Hearing closed.

STAFF RECOMMENDATION:

Chapter 155-15 of the City Code provides for subdivision of land. The plan meets the criteria laid out. Planning Department recommends that the Planning Board approve the minor subdivision with the following condition:

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall revise the plat to:
 - a. Include the Licensed Land Surveyor signature and stamp
 - b. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
 - c. Add Planning File #P19-43
 - d. Add NHDES Subdivision number to note 11
 - e. Indicate proposed drive or not if using the existing paved drive
 - f. Show electrical utilities and indicate future utilities will be underground

Conditions to Be Met Prior to Occupancy:

2. Issuance of a Certificate of Occupancy.
3. Impact fees for new dwelling unit shall be paid per the invoice included with the Notice of Decision.

Motion: D. White made a motion that the Planning Board approve the application with staff recommended conditions. Seconded by L. Skinner. Vote U/A

- B. Consideration and acceptance of a Minor Lot Line Adjustment for Bean Family Trust, (Owners: Bean Family Trust, Nora E. Stead, Trustee, Daniel P. Irish and Kristopher & Elizabeth M. Reischer), Assessor's Map A, Lots 45-2, 45A-2-1 & 45A-2-3, zoned R-40, and located at 12, 22, & 32 Olive Meadow Lane. *(P19-44)



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C. Parker stated that the applicant is proposing to adjust the lot line between the three subject lots. Parcel A of 3,906 s.f. will be conveyed from lot 45-2 to 45A-2-1. Parcel B of 10,887 s.f. will be conveyed from lot 45-2 to 45A-2-3. The new lots would meet the zoning requirements as part of the original open space subdivision. This application appeared before the Board in 2018, but expired, and the Board needs to approve it again.

Steve Haight, Civilworks NE, represented the applicant, discussed the proposal and presented the application. This was previously reviewed and approved by the board last year, but the applicant never followed through.

Motion: D. White made a motion to accept the application. Seconded by E. Brooks. Vote U/A.

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

STAFF RECOMMENDATION:

Chapter 155-18 of the City Code provides for transfer of land between adjacent land owners. This plan meets the requirements outlined. Planning Department recommends that the Planning Board approve the sale of two units with the following condition:

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall provide the Planning Department with a digital version of the final plat.
2. Provide proof of compliance with requirements of prior subdivisions for these parcels.
3. Provide the Planning Department with drafts of deed language for Parcel A that will be transferred from lot 45-2 to lot 45A-2-1 and Parcel B which will be transferred from lot 45-2 to 45A-2-3.
4. The applicant shall revise the plat to:
 - a. Add Planning file number P19-44
 - b. Add signature and stamp of LLS
 - c. Add owners' signatures
 - d. Revise lot area calculation table to include acres as well
 - e. Indicate driveway location to lot 45-2.

Conditions to Be Met After Signing of Plans:

5. The applicant will record the deeds referenced in #3 above and provide the Planning Department with the Book and page numbers of the recorded deeds.

D. Ciotti asked about a driveway showing over another lot line. S. Haight explained that is not one of the lots under review tonight but clarified there are documents for that property where that issue is explained.

Motion: F. Torr made a motion that the Planning Board approve the application with staff recommended conditions. Seconded by L. Skinner. Vote U/A

- C. Consideration and acceptance of a Conditional Use Permit for Jason Franklin, (Owner: Matthew Carroll), Assessor's Map A, Lot 39-29, zoned R-40, and located at 28 Fieldstone Drive. (Proposal is to replace a failed septic system with a new septic system 42 feet from wetlands, where 75 feet is required). *(P19-42)

C. Parker stated that the applicant is requesting a Conditional Use Permit to install a new septic system within 42' of a wetland whereas 75' is required. The Conservation Commission reviewed this item at their June 10, 2019 meeting and endorsed it.



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Jason Franklin, Franklin Associates, representing the property owner, discussed the proposal and presented the application. The septic system was installed in 2003 and now needs replacement. Over those 16 years a small wetland has developed between the road and the leach field from road run-off and a foundation drain. They are proposing to replace the septic in that same place rather than dig up another area of the property.

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

Public hearing opened.

FX Bruton, 37 Fieldstone Drive, announced his support of the project and stated the wetland is barely noticeable.

Public Hearing closed.

STAFF RECOMMENDATION:

Chapter 170-27.1 of the Zoning Ordinance of the City Code 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.

Planning Department recommends that the Planning Board approve the sale of two units with the following condition:

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

1. Provide NHDES Septic System Permit

M. Sullivan asked for clarification on whether the buffer is 50' or 75'. C. Parker explained it is normally 50', but for a septic it is 75'.

D. Ciotti wondered if the DES permit has been submitted. Yes, they applied and received approval on Monday.

Motion: M. Sullivan made a motion that the Planning Board issue the permit with staff recommended condition. Seconded by D. White. Vote U/A

The Vice Chair noted the next two items would be heard together.

- D. Consideration and acceptance of a Request to use Transfer of Development Rights to purchase units for Princeton Dover LLC, Assessor's Map D, Lots 79-1 & 81, zoned RM-U and located at 306 Plaza Drive. (Proposal is to buy 24 units) *(P19-45)
- E. Consideration and acceptance of a Site Review using Transfer of Development Rights Princeton Dover LLC, Assessor's Map D, Lots 79-1 & 81, zoned RM-U located at 306 Plaza Drive. (Proposal is to construct a 10,551 sq. ft. 24 unit garden style multifamily building and associated surface parking by parking by purchasing TDR units). *(P19-30)

C. Parker stated that the applicant is requesting to purchase 24 units to add a new multi-family building to a multi-family complex which has existed since the 1970s on Plaza Drive/Northway Circle. The new building would be next to its offices and pool area. The applicant is using the non-restricted style of TDR.

The new building would be placed where part of the existing recreation amenities are provided. In order to meet the recreational component, the applicant has worked with staff to meet the required calculation of



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26,900 s.f. of recreational space on site by both providing active and passive recreation on site and by paying in lieu of providing the remaining required.

The units would be serviced by public water and sewer and are intended as rentals. The Technical Review Committee reviewed this application at their April 11, 2019 meeting.

Dan Endyke, Princeton Properties, the applicant, discussed the proposal and presented the application. They purchased the property in 2014 and have improved the property since then. The building will have 18 2-bedroom units and 6 1-bedroom units.

Engineer Stuart Moncrieff with Howard Stein Hudson presented the technical aspects of the plan. The lot is pretty flat, and the soils are good. The building fits nicely on the property. There will be 28 new parking spaces for the 24 units.

Mr. Moncrieff discussed the buffer to the homes nearby. There is a berm there.

D. Ciotti wondered if there is a maintenance plan on record and where all the snow will go. Mr. Moncrieff pointed out a particular page reference and C. Parker explained it has to be in the plan they submit.

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

Public hearing opened.

Lisa Stacy 75 Long Hill Rd is concerned about the number of parking spaces per units on site as well as how the school would handle the influx of children.

Public Hearing closed.

C. Parker noted communication occurs between the City and the school systems though these types of units rarely add many children to the system. He also noted the 28 parking spaces will be in addition to what is already on site now.

D. Endyke noted his best guess is that three to four additional children may join the school system from these new units.

C. Parker summarized an email to the Board from Matt Bradley of Glenwood expressing concerns about traffic on Glenwood.

STAFF RECOMMENDATION - TDR:

Chapter 170-27.2 of the Zoning Ordinance of the City Code provides for transfer of development rights via two processes, this uses the original process, not the affordable single-family process. Planning Department recommends that the Planning Board approve the sale of 24 units with the following condition:

Conditions to be Met Prior to Granting the TDR:

1. Payment of the TDR fee (\$321,648)

Motion: F. Torr made a motion that the Planning Board determine the proposal is consistent with the neighborhood and approve the TDR with staff recommended condition. Seconded by T. Clark. Vote U/A

STAFF RECOMMENDATION – Site Plan:



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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 with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. The TDR (P19-45) shall be approved by the Planning Board.
2. The applicant shall provide a digital version of plan set
3. Applicant to provide a revised letter from Eversource from the Engineering team.
4. The applicant must revise final plan set to:
 - a. Add the owner's signatures to the final plat
 - b. Add LLS, PE, Architect, and LLA signatures and stamps to final plan
 - c. Replace note 33 on sheet 6 with a note to the Assistant City Manager's satisfaction
 - d. Revise note 23 to eliminate Sunday hours for construction.
 - e. Add common notes: 12, 14, 17, 18, 19, 28, 29, & 37

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.

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. The applicant shall pay the recreation in-lieu fees.

D. Landry asked about the exterior materials. The brick buildings in the area look really good and he would like this building to blend well. The siding will be a concrete fiber substance and has been well received at another location they've constructed this design.

Motion: F. Torr made a motion that the Planning Board approve the plan with staff recommended condition. Seconded by M. Sullivan. Vote U/A

- F. Consideration and acceptance of an Amendment to the conditions for a previously approved Subdivision Plan for TDAK & Company LLC, Assessor's Map M, Lot 61, zoned R-20, located at 146 Dover Point Road. (Proposal is to remove the note requiring a fence along the southerly boundary line). *(P18-14A)

C. Parker stated that the applicant's subdivision request was approved at the August 28, 2018 Planning Board meeting. During the review, the abutting farmer requested fencing be installed. This was added as a condition of approval. The abutter no longer wishes to have the fence, and has asked that the applicant not install it, as



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documented in the email in the packets. The applicant is asking for that note requiring the fence to be removed from the plan.

Christopher Berry, Berry Surveying and Engineering represented the applicant Troy Thibideaux, discussed the proposal and presented the application.

D. Ciotti asked if a letter had been sent by the abutter confirming the new request to not install a fence. C. Parker confirmed the abutter made this request to the City by phone and by email but refused to send a letter after it had been requested several times. The abutter is also not present tonight. D. Ciotti is concerned that an email is not an official legal document. C. Parker said there is a 30-day appeal period and more action can be taken if the City's legal counsel believes it's needed.

L. Skinner agreed with D. Ciotti and wondered who initiated the change. C. Parker said it was the abutter who requested the fence at the hearing. Then they did not come to the on-site meeting to look at options. They reached out to the City to express they made an error in requesting the fence and no longer wanted it installed.

M. Sullivan suggested a conditional approval subject to a letter of authorization being submitted by the abutter within 30 days of approval.

Motion: D. Ciotti made a motion to accept the application. Seconded by E. Brooks. Vote U/A.

Public hearing opened.

Lisa Stacey 75 Long Hill Rd agreed with D. Ciotti that a letter on letterhead should be submitted and email should not be accepted.

Public Hearing closed.

STAFF RECOMMENDATION:

Chapter 155-15 of the Land Subdivision Regulations of the City Code provides for subdivisions of existing lots and amendments to those subdivisions. The Applicant has the right to request an amendment to an approved plan from the Planning Board. Planning Department recommends that the Planning Board approve with the following conditions:

Conditions to be Met Prior to Signing of the Plans:

1. All previous conditions of approval remain in place.
2. The applicant shall provide a digital version of the plan to the Planning Department.
3. The applicant shall revise the plat to:
 - a. Add the owners' signatures
 - b. Add the Licensed Land Surveyor, Professional Engineer, Landscape Architect, and Wetland Soil Scientist stamps and signatures
 - c. Revise Planning file number to be P18-14A
 - d. Within 30 days the applicant shall provide a signed letter on letter head from the owner of Tendercrop Farm acknowledging the change.

Motion: D. White made a motion that the Planning Board approve the amendment to the plan and remove the condition with staff recommended conditions. Seconded by D. Landry. Vote U/A

5. STAFF COMMENTS



CITY OF DOVER

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- TRC item since the last meeting: Additions to 333 Central Ave project
- Arts Commission would like to collaborate more, and invites a PB member to attend their meetings
- Regarding emails received, C. Parker will speak with City Counsel. The board agreed they are ok with general abutter email, but for authorization issues they want a signed letter.

6. MEMBER COMMENTS

D. Landry asked the board to do a survey from Strafford Regional Planning Commission about the transportation needs in the greater Strafford region. It will help shape the transportation plan through 2045.

C. Parker mentioned J. Kaspari did notify him of his absence tonight.

Also, he showed the Chair a Notice of Merger that the board needs to authorize her to sign.

The Chair read the notice of merger to the board.

The board agreed the Chair can sign the document and she did.

7. ADJOURNMENT

Motion: T. Clark made a motion to adjourn at 9 pm. Seconded by L. Skinner. Vote U/A