



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: McConnell Center, Room 306, 61 Locust Street
Meeting Date: **Tuesday, January 28, 2020**
Meeting Time: **7:00 pm**

Members Present: Dave Landry, Frank Torr, Dave White, Matt Sullivan, Jackson Kaspari, Erin Allgood (Alternate), Ellen Brooks (Alternate), Gina Cruikshank (Chair), Lisa McGunnigle (Alternate), Harmon (Vice Chair), Tom Clark, Dennis Ciotti (Councilor)

Members Not Present (excused): None

Members Not Present (un-excused): None

Staff Present: Christopher Parker, Assistant City Manager

The Chair called the meeting to order at 7:00 p.m. and noted item 4A will not be heard tonight.

1. CITIZENS' FORUM

Citizens Forum Open. Nobody Spoke. Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- January 14, 2020 Workshop Meeting Minutes
- January 14, 2020 Regular Meeting Minutes

Motion: F. Torr moved to approve the minutes as amended. Seconded by D. White. Vote U/A

3. OLD BUSINESS

- A. Consideration and acceptance of a Request to use Transfer of Development Rights for Michael Khavari, (Owner: Karen A. Towle and Trustee of the James B. Towle and Karen A. Towle Revocable Trust), Assessors Map I, Lot 4-A, zoned R-12, and located at Leathers Lane. (Proposal is to request to buy 12 additional units to total 45 single-family units.) *(P19-74)

Motion: F. Torr moved to remove the item from the table. Seconded by D. White. Vote U/A

C. Parker stated that the Board initially heard a request at their November 2019 meeting from this applicant for 60 duplex units (purchasing 27 through TDR). The applicant heard the concerns of the abutters and redesigned the request for 45 single family units if they're able to buy 12 through TDR.

In addition, the applicant met with abutters to review the plans and understand their concerns, before they revised them to present to the Board.

Per Chapter 170-27.2.G(3)(b), the applicant is requesting that the Board vote on the plan indicating the additional 12 units can be built where they are not allowed by right.

This request is to ask for the maximum amount of units allowed on site. If the Board grants the request to sell the TDR units, the applicant would need to come back for a more detailed TRC review and Planning Board review.

Furthermore, staff has met with the applicant and with abutters in the meantime. It is important to note that this project has not received any technical review. That would come with the final site plan, once engineered.



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Staff understands that the following items are outstanding and will be reviewed at that time, regardless of unit count:

- A full traffic study, reviewing Leather's Lane, Back River Rd and feeder roads (Mast Road, Durham Road) will be conducted
- A review of pedestrian infrastructure including sidewalks and crosswalks will be conducted
- A full drainage review, including minimizing any existing runoff will be completed with proper sureties in place
- A full review of the capacity of the existing sewer line and pump station
- Solid waste
- HOA for the new development will create protective covenants which must be approved by the City of Dover.
- Landscape and screening will be required.
- Abutter notices along the way
- Speed limit signs posted on Leathers Ln at minimum.

FX Bruton of Bruton and Berube representing the applicant, noted it was good to receive feedback at the last meeting from the public. The application has been revised and reduced in quantity. The approved units would be single-family homes no larger than 1400 square feet.

Public hearing reopened.

Peter Matthew, 10 Rosanna Dr is concerned about the additional traffic especially at rush hour. He would prefer less units than the 33 allowed.

Patricia Almy, 17 Leathers Ln has concerns about the traffic, the schools (capacity levels) and the environment (wildlife).

Christine Shannon, 113 Katie Ln is concerned about the density and the inadequate traffic study.

Mark Spiedel 28 Leathers Ln presented a petition at the November 12 meeting. Tonight he is only speaking for himself and his wife. Growth is good, but as long as the public is heard in the process. He is happy to see that issues have been taken into consideration and the plan has been reduced. The one issue that can't be fixed by the developer is traffic. They don't oppose acceptance of this application, knowing this hearing will be determining a maximum number and that the plan will go through the appropriate stages of approvals by boards.

Peggy Speidel, 11 Katie Ln is concerned about losing all of the wildlife and nature around her. She asked the board not to approve more than the minimum of 33 units.

Public Hearing closed.

C. Parker noted the staff is aware of the Route 108 congestion issues and have hired consultants who are looking at other options such as roundabouts, lights, sidewalks and extra lanes. Whatever form this project takes, it's probable they will be contributing to traffic relief/ improvement financially or otherwise.

D. Landry wanted to confirm where the baseline number of 33 units came from.



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It is based on using the formula that is in the Ordinance that was created in 2018. It has not yet been reviewed by staff as a confirmed, approved number, but is a reasonable number staff agrees can be used as a baseline.

D. Landry discussed with C. Parker a conservation easement option and where that boundary may be.

D. Landry commented that the days in November that were used for the traffic study may not be the best example as there are many dates school is not in session.

M. Sullivan is concerned about the comments from the abutters. He noted it's difficult to make a density decision without a full site plan. The TDR review committee should look at that process.

STAFF RECOMMENDATION:

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 plan indicating the location of the homes and related improvements such as parking, drainage, etc. This proposal is consistent with those standards. Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board 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 (\$107,216)
2. Add Planning file number P19-74 to plan.
3. Add TDR yield calculation to plan.

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

4. Full site plan approval by the Planning Board.

Motion: D. White made a motion that the proposed intensity and density meets the neighborhood context and that a maximum of 12 units may be purchased with staff recommended condition. Second by M. Sullivan. Vote all in favor with D. Ciotti opposed. (8-1)

C. Ciotti commented that there is a flaw in the TDR process. No plan has been presented with placement of homes, parking and drainage. The density numbers could be accurate, but they could be arbitrary.

J. Kaspari noted he would also appreciate hearing both the TDR request along with a full site plan.

C. Parker announced to the public they can share their email with him if they want to receive updated regarding the project.

4. NEW BUSINESS

A. Public Hearing on renumbering of street addresses for 6-12 New York Street to 12 New York Street Apt. 1, 2, 3, & 4 and #2 Park Street, per Chapter 125-Section 6 and NH RSA 231:133-a. *(P20-06)

The Chair noted that this item had been withdrawn.



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B. Consideration and acceptance of a Conditional Use Permit for Eversource Energy, Assessor's Map I, Lot 28, owned by Stephen & Phebe Colprit Revocable Living Trust, at 33 Meserve Road, zoned R-40, and Assessor's Map I, Lot 29, owned by David & Laurie Landry at 17 Spruce Lane, zoned R-40. (Proposal is to replace two existing utility pole structures in a utility easement, with temporary wetland impacts of 5,389 s.f. and temporary 50-foot wetland buffer impacts of 29,410 s.f.) *(P19-87)

C. Parker stated that the applicant is requesting a Conditional Use Permit to replace utility pole structures in a utility easement within wetlands and wetland buffers temporarily. There are temporary wetland impacts of 5,389 s.f. and temporary wetland buffer impacts of 29,410 s.f..

The Conservation Commission endorsed this application at their December 9, 2019 meeting.

Sarah Barnam, Normandeau Associates, and Ed Mirowitz represented the applicant and reviewed the project. She spoke about the buffer impact change in square footage was due to realizing that they are not impacting the whole area, just the access road area.

Motion: D. White moved to accept the item. Seconded by D. Landry. Vote U/A

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

STAFF RECOMMENDATION:

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 Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve the Conditional Use Permit with the following conditions:

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

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services approved Utility Maintenance Permit

Motion: F. Torr made a motion that the Board issue the Conditional Use Permit with staff recommended condition. Second by T. Clark. Vote U/A.

F. Torr commented he appreciated the deeds being included in the packet.

C. Consideration and acceptance for a Site Review for Sojourn Property Management, LLC, Assessor's Map 31, Lots 7 & 8, zoned CBD-Transit Oriented Development Sub District, and located at 66 Third Street, (Proposal is for a change of use on the second floor converting 7 commercial units to 9 one-bedroom units 1 two-bedroom Unit). *(P19-61)

C. Parker stated that the applicant is proposing to convert seven second floor commercial units into ten residential apartments at their mixed use building at 66 Third Street.

The units would be serviced by public water and sewer and are intended as rentals. The Technical Review Committee reviewed this application a second time at their December 19, 2019 meeting.



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Christian Smith, Beals and Associates, represented the applicant and reviewed the project.

After TRC review, the applicant worked with a landscape architect to provide what is in the packets tonight. The western parking area has been revised by adding some green space and an island.

D. Ciotti wondered what use the basement is currently. C. Parker said it is a kennel.

F. Torr wondered if there is some encroachment by the neighbor of the property. C. Parker noted the City reached out to them and they did not collaborate with the applicant. Mr. Smith noted the neighbor has a legal easement.

F. Torr suggested to add plantings around the dumpster since it faces the train tracks. Mr. Smith said there is no room on their property for plantings, so they are installing a fence.

D. Landry clarified with Mr. Smith that the first floor will remain commercial use, and the second floor is not required to be commercial use in that zoning district.

Motion: F. Torr moved to accept the item. Seconded by D. Landry. Vote U/A

Public hearing reopened.

Bryan Bessette, 66 Third St is a commercial tenant of musical arts on the second floor. Today is the first he's heard of changing the use to residential. It will be very difficult for him to find an appropriate location to move to. He currently has large open floor space with high ceilings which is not an easy style of commercial space to find.

C. Parker said he will have the Economic Development office reach out to the business owner to help find another location within the City.

Public Hearing closed.

STAFF RECOMMENDATION:

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 Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve the Site Plan with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. The applicant shall provide:
 - a. a digital version of plan set
 - b. lot merger be recorded at SCRCD
2. 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. Correct typo to "Existing" on Index
 - d. Revise landscaping to have tree boxes/wells to City specifications to the satisfaction of the City Engineer or Assistant City Manager.
 - e. Place sheets A1 and A2 in plan set package
 - f. Add common site plan notes 14, 31, & 33



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- g. Determine off site improvement contribution to the roundabout to the satisfaction of the Assistant City Manager.

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. Contribution of the roundabout must be paid to the City.

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.

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: M. Sullivan made a motion that the Board approve the Site Plan with staff recommended condition. Second by F. Torr. Vote U/A.

- D. Consideration and acceptance for a Minor Subdivision for Kevin McLean & Angela Lazzro, Assessor's Map 12, Lot 35, zoned Heritage Residential, and located at 17-19 Summer Street. (Two new lots). *(P20-02)

C. Parker stated that the applicant is proposing to subdivide Dover Tax Map 12 Lot 35 into two lots. The new lot areas would be 10,000 s.f. and 15,607 s.f..

The new lots meet the frontage and area requirements and will be served by municipal water and sewer.

As this is a minor subdivision, it did not go before the Technical Review Committee.

Christopher Berry, Berry Surveying and Engineering, represented the applicant and reviewed the project noting the lot will be split into two lots of not-quite equal size.

D. White would like to see one common driveway off Locust with a parking lot for each building. Mr. Berry said the applicant has agreed to a common driveway, but the parking plans haven't been finalized yet.

T. Clark would like to add a note to the plan for the addresses to be assigned by the building official at the time of permitting. Mr. Berry stated it is already note 18 on the plan.

F. Torr wanted to confirm there is some sort of fence between properties. The board discussed that there is various fencing in place.

Motion: D. White moved to accept the item. Seconded by D. Ciotti. Vote U/A

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



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STAFF RECOMMENDATION:

Chapter 155-15 of the Land Subdivision Regulations of the City Code provides for subdivisions of existing lots. This Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve the Subdivision Plan with the following conditions:

Conditions to Be Met Prior to the 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 #P20-02
 - d. Indicate proposed shared driveway location
 - e. Revise wooden fence so it does not cross new property line
 - f. Correct spelling to Lazzaro
 - g. Add note that water and sewer investment fees shall be paid at time of request of service.
 - h. Switch location of graphic scale and Dover approved box on Sheet 1.
 - i. Remove notes 16, 17 on sheet 3

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 building permit.

Motion: D. White made a motion that the Board approve the Subdivision Plan with staff recommended condition. Second by H. Harmon. Vote U/A.

E. Consideration and acceptance for a Minor Subdivision for 209 Sixth Street SPE LLC, Assessor's Map E, Lot 73, zoned R-12, and located at 209 Sixth Street. (Two new lots). *(P20-03)

C. Parker stated that the applicant is proposing to subdivide Dover Tax Map E Lot 73 into three lots. The new lots would be 36,228 s.f, 31,185 s.f, and 32,133 s.f.

The new lots meet the frontage and area requirements and will be served by private water and septic.

As this is a minor subdivision, it did not go before the Technical Review Committee.

Christopher Berry, Berry Surveying and Engineering, represented the applicant and reviewed the project. The applicant has purchased the house in the front of the lot. The applicant is looking to maintain a lot with the existing home and subdivide the parcel into two additional proposed lots.

Mr. Berry submitted a driveway plan with easements for each lot.

D. Ciotti wondered about the frontage and Mr. Berry explained which portions are included in the frontage calculations.

Motion: F. Torr moved to accept the item. Seconded by D. Landry. Vote U/A

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

STAFF RECOMMENDATION:



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Chapter 155-15 of the Land Subdivision Regulations of the City Code provides for subdivisions of existing lots. This Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve the Subdivision Plan with the following conditions:

Conditions to Be Met Prior to the 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 #P20-03
 - d. Remove note 19 & 20 on sheet 1

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.

M. Sullivan wondered if the proposed drainage is the applicant's responsibility for installation. Yes, and maintenance.

Motion: F. Torr made a motion that the Board approve the Subdivision Plan with staff recommended condition. Second by T. Clark. Vote U/A.

F. Consideration and acceptance of a Conditional Use Permit for Richard Farina Revocable Trust, Assessor's Map N, Lot N-8-2, zoned R-40, and located at 232 Gulf Road. (Proposal is to construct a 9,827 sq.ft. pond with a permanent wetland impact of 4,322 sq. ft. and a wetlands buffer impact of 4,535 sq.ft.). *(P20-04)

C. Parker stated that the applicant is requesting a Conditional Use Permit to build a 9,827 s.f pond with a permanent wetland impact of 4,322 s.f. and a wetlands buffer impact of 4,535 s.f.

The Conservation Commission endorsed this application at their January 13, 2020 meeting.

Kyle Macdonald, Stone Ridge Environmental, represented the applicant and reviewed the project. The applicant is proposing to install a pond within an agricultural field. The wetlands are affected, though it is to be situated in an area with the most upland possible. There is a net gain of wetlands with the proposal, rather than a net loss. There will also be added wildlife with the addition of the pond.

J. Kaspari wondered about sediment and maintenance.

Mr. Macdonald noted the plan is to do it well and properly and not have to go back for maintenance.

D. Landry wondered if this project meets the requirements regarding wetlands protection. The board discussed the topic.

T. Clark wondered if it will be flowing.

Mr. Macdonald said the proposal is for a dug-in static pond

Motion: T. Clark moved to accept the item. Seconded by D. White. Vote U/A



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

STAFF RECOMMENDATION:

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 Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve the Conditional Use Permit with the following conditions:

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

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Wetlands Permit

Motion: F. Torr made a motion that the Board issue the Conditional Use Permit with staff recommended condition. Second by T. Clark. Vote U/A.

G. Consideration and acceptance of a Minor Subdivision for Varney Brook Lands, LLC, Assessor's Map K, Lot 19-4, zoned ETP-Executive Technology Park and RCM Overlay, and located at Pointe Place. (Three new lots). *(P20-05)

C. Parker stated that the applicant is proposing to subdivide Dover Tax Map K Lot 19-4 into four lots. The new lots would be 1.80 acres, 1.65 acres, 1.81 acres, and 15.52 acres.

On September 25, 2018, the Planning Board approved a site plan for proposal is to construct three buildings consisting of 8,000 sq. ft. commercial space and 119 residential units. The lot lines will separate each building onto its own lot each served by public water and sewer. As this is a minor subdivision, it did not go before the Technical Review Committee.

The applicant is requesting two waivers with justification indicated on page 2 of the application. One is for topographic detail and the second waiver is for showing the building setbacks.

Kevin McEneny represented the applicant and reviewed the project.
Chad Kageleiry, the owner, was present and available to answer questions.

Motion: F. Torr moved to accept the item. Seconded by D. Ciotti. Vote U/A

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

STAFF RECOMMENDATION-Waivers:

The Planning Department recommends that the Planning Board grant the waivers per the reasoning provided by the applicant with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. Add a note to the plat that the Board granted a waiver to Chapter 155-28.H and 155-29.B.8 and that the Board found the criteria of Chapter 155-52.A have been met.



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Motion: F. Torr made a motion that the Board grant the waivers with staff recommended condition. Second by T. Clark. Vote U/A.

STAFF RECOMMENDATION:

Chapter 155-15 of the Land Subdivision Regulations of the City Code provides for subdivisions of existing lots. This Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve the Subdivision Plan with the following conditions:

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 #P20-05
 - d. Add common note 9 and #12 (water/sewer)

Conditions to Be Met Prior to Construction, Building Permit and Occupancy:

2. All conditions contained within site plan approval P18-37 remain.

Motion: D. Ciotti made a motion that the Board approve the Subdivision Plan with staff recommended condition. Second by H. Harmon. Vote U/A.

5. STAFF COMMENTS

- TRC has reviewed projects on Cataract Ave
- ZBA approved a mixed use project on Knox Marsh Road
- Handed out building statistics about ongoing projects.
- Congratulated Donna and her husband on pending child.

6. MEMBER COMMENTS

D. White weighed in on the TDR process. He likes the current process with developers coming in with their idea of what they can do with the property. Often the applicant does not yet own the property, and it's a large expense to have them come in with full plans for a property they may not even own yet.

T. Clark agreed with D. White and noted that C. Parker had mentioned that the applicant has the option to come in with a full plan or not.

Discussion ensued. Board members expressed some opinions and most agreed there should be a half-way point between making applicants spend money on a full plan set or not really any plan at all when they are requesting TDR.

7. ADJOURNMENT

Motion: F. Torr made a motion to adjourn at 9:20 p.m. Seconded by D. White. Vote U/A