



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, June 23, 2020**
Meeting Time: **7:00 pm**

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

Members Not Present (excused): Lisa McGunnigle (Alternate)

Members Not Present (un-excused): None

Staff Present: Christopher Parker, Assistant City Manager

Chair G. Cruikshank called the meeting to order at 7:00 p.m and announced that Frank Torr received the NH Planner of the Year award. C. Parker acknowledged Frank's wisdom, guidance, politeness and quiet assertiveness over the past two decades of community service for the City.

F. Torr was presented his award.

CITIZENS' FORUM

Citizens Forum Open.

John Donais, 16 Durham Rd mentioned an issue with the development at 10 Durham Rd. He wants to have a fence put in around the new property. Bond funds should be used if the owner won't do it. He noted that C. Parker is familiar with his issue, but he wanted to make a public statement.

Citizens Forum Closed.

APPROVAL OF THE PRIOR MINUTES

- June 9, 2020 Regular Meeting Minutes

Motion: D. White moved to approve the minutes as presented. Seconded by J. Kaspari. Vote: U/A

OLD BUSINESS

A. Public Hearing and possible vote on amendments to Chapter 170, entitled "Zoning Ordinance" of the code of the City of Dover. Amendments include revising terms, syntax and numbering. The full text of the amendments is available through the Planning Department. View the amendments on the City's website at <https://bit.ly/2QBNiZq> or request a copy be emailed. This the 5th public hearings on these amendments.*

C. Parker explained the amendments are for syntax and numbering and explained the process/history.

Public hearing reopened.

Two members of the public spoke at this time, but they addressed item B, so their comments are listed there.

Public Hearing Closed.

C. Parker noted he can go over the individual proposed changes to the amendments if the board wants him to. The board can vote as a package or break them up.

Motion: M. Sullivan made a motion that the Board approve the zoning amendments, renumber the Chapter from 170 to 151, and re-codify the Zoning Chapter, forwarding to the City Council for review and ratification. Seconded by D. White. Vote: U/A



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B. Public Hearing and possible vote on amendments to Chapter 170, entitled “Zoning Ordinance” of the code of the City of Dover. Amendments include revising the Transfer of Development Right's Ordinance, creating an Alternative Energy Ordinance, creating a Gateway Zone from existing areas of the Office, Downtown Gateway, and other zones, eliminating the I-1 and B-1 zones, merging the B-3, B-4 and B-5 zones into a Commercial (C) zone, rezoning the I-2 zone to Commercial Manufacturing, merging the I-4 and ETP zones into an Innovative Technology (IT) zone and updating the Residential Commercial Mixed Use Overlay District. The full text of the amendments is available through the Planning Department. View the amendments on the City's website at <https://bit.ly/2QBNiZq> or request a copy be emailed. This the 5th public hearings on these amendments.*

C. Parker showed the presentation that was presented on March 4th reviewing the various amendments and the process/history of how and when they were created. He also reviewed the proposed amendments to the amendments that staff has provided the Board as a response to the public feedback received to date. He reminded the board that they can vote on these tonight, but it is not required, if more discussion is deemed necessary.

Public hearing reopened.

T. Dunne, 15 Lakeview Dr mentioned an area near the pond after the Somersworth development. He is concerned about the gateway proposal and the increase of density and the impact to the ecological area near the pond. He asked the board to consider the impact that a greater density will have on the pond. This area is unique out of the Gateway Proposal areas.

C. Kageleiry, 100 Dover Neck Rd noted he has watched the City grow over many years- mostly in positive ways. Regarding the Gateway proposal, some of the neighborhoods have very different characters from each other and this proposal tries to blanket zoning over different types of neighborhoods. How the interior square footage of a structure is broken up should not be a factor in the proposal. He asked the board to review further how a development should occur within the context of the individual neighborhoods.

Joseph Perelli, 35 New Rochester Rd addressed the proposal for turning his neighborhood into a gateway zone. A portion of it is deed restricted to residential homes and there's no room for redevelopment without tearing down existing homes. That area is pretty far from the CBD and doesn't function as a gateway zone. He is appreciative of the staff listening to the resident comments. He would like the board to consider capping the commercial activity down to 2,000 sq. ft. and capping the residential units to single family and duplex only or consider CUP criteria similar to the Heritage District or Urban Residential District.

Martha Wilson, 8 Auburn St noted the neighborhood is very serene with wildlife. She is concerned about impacts due to traffic. She asked the board to be careful and study before any development goes into that area. She would like the quality of the neighborhood to be maintained.

Michal Kaleta, 5 Gage St thanked C. Parker for meeting with the residents of the neighborhood to explain the rezoning. He looked into the impacts of rezoning and found some benefits and some concerns. Many of the residents are concerned about the fragile nature of the pond and maintaining the rural character of that stretch of land.

Chad Kageleiry spoke again and noted that just because an area is rezoned, it doesn't mean it will be developed a certain way. The owners who live there would have to sell off their properties for that to happen.



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With so much sentiment against the north end being rezoned, perhaps the board should consider taking that portion of town out of the proposal.

Amie Dion, 3 Earl St thanked Mr. Kageleiry for his comments. She shares similar concerns about the New Rochester Rd area as the other residents have shared.

Ellen Gagnon, 3 Gage St. was drawn to this neighborhood because of the character. She would like a limit on density, square lot size and capping the number of buildings per lot. She is concerned about the quality of life for all creatures at the pond.

C. Parker noted no further comments were received to the office.

Public Hearing Closed.

C. Parker noted the conversations he's had with the residents about this rezoning has been critical, constructive and polite which he appreciates.

People enter the City from various ways. The Gateway district is trying to do the same thing in multiple locations. He thinks there is a way to consider the pond area and Dover Point area and still maintain the spirit of the ordinances.

C. Parker stated that the Board can table or vote on the amendments. Staff recommends that the following changes be made:

GATEWAY: For the Gateway District (see supplemental table):

- Remove "amended date/info" from header
- Remove extraneous info from the freestanding sign notes
- Side setback (for principal and accessory structures)
 - Adjust from 5' min to 10'
- Rear setback (for principal and accessory structures)
 - Adjust from 0' min to 15'
- Building Height
 - Currently 2 story min and 4 story max except for along Dover Point Rd and the areas along New Rochester Rd which will be 2 story maximum
- Residential
 - Add a note that Rooming Housing and Manufactured Homes are considered Other uses and along New Rochester Rd and Dover Point Rd there would be a density cap of two units per lot.
- Lodging
 - Add a note that no residential use may be within 150'
- Professional Services & Office
 - add a note that the use is limited to 2,000 sf in the New Rochester Rd and Dover Point Rd areas.
- Eating and Drinking Establishment
 - add a note that the use is limited to 2,000 sf in the New Rochester Rd and Dover Point Rd areas.
- Retail/Personal Services



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- add a note that the use is limited to 2,000 sf in the New Rochester Rd and Dover Point Rd areas.

COMMERCIAL: Amend the Commercial table to note that Multi Family Dwellings are allowed by right with the following footnote:

[3] The lot must contain five thousand (5,000) square feet per dwelling unit, and units are allowed only in mixed use buildings, where no more than 2/3rd of the overall square footage of the building is residential.

TDR: Amend item 12, on pages 28 and 30 as follows:

"(b) ~~Attached~~ Single Family, Two family, three family and 4 or more method"

Furthermore, once amended, staff recommends approving the amendments and sending them to the City Council for consideration. The Board can separate the question and vote on each item or vote as a package.

D. Ciotti wondered how the district would be defined along New Rochester Rd. It's currently 300' off each direction from the center line- a 600' swath. The dimensions would not change- the Office zone would change to Gateway zone.

D. Landry wondered if someone could seek a CUP to undo some of the restrictions being implemented. Yes, they could seek one, but they would come to staff and the Planning Board who would probably uphold the restrictions.

D. Landry mentioned height vs story height has come up at other times. Could C. Parker clarify the difference? Yes, residential story height is about 9'-11' and commercial is about 12' on the first floor and then lower on upper stories. The reason the language has moved to story height rather than feet is to allow flexibility for creative architecture to fit in with neighborhoods.

D. Landry said some have suggested just to cut this neighborhood out of the zone and not change it. Could C. Parker address what impacts that would have by leaving it an office zone? If you leave part of it as office zone, you'll have one zone on each side of the street with differing regulations.

Motion: M. Sullivan made a motion that the Board amend the amendments for the three zones as outlined in the staff comments above. Seconded by H. Harmon. Vote: U/A

Motion: F. Torr made a motion that the Board approve the amended amendments and forward to the City Council for ratification. Seconded by D. Ciotti. Vote: U/A

The board took a 5-minute recess to allow the room to clear.

- C. Consideration and possible vote a Request to use Transfer of Development Rights for a Subdivision for Robert Baldwin, Assessor's Map I, Lot 30, zoned R-40, located at 144 Mast Road. (Proposal is to subdivide one lot into four by purchasing three units via TDR)*(P20-35)

Motion: D. White made a motion that the Board remove the application from the table. Seconded by J. Kaspari. Vote: U/A

No public spoke and no public comments were received for this case.



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C. Parker announced the building official reviewed the driveway plan and asked for two items: The nearest hydrant be noted on the plan and if driveway is less than 20' wide, the fire truck would stay on Mast Rd and the third lot would need to identify how it would meet fire prevention code. If this option is utilized, all hammerhead driveways can go away because the fire truck will not come down the driveway. If the driveway is widened to 20', one of the three hammerheads would be removed.

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

Christopher Berry representing the applicant informed the board that they plan to move forward with the narrower driveway option to maintain the single-family feel to the property. They will remove the hammerhead and install a sprinkler system in the third home.

STAFF RECOMMENDATION

Chapter 170.27.2 of the Zoning Ordinance of the City Code provides that property owners can purchase density which can be included in subdivisions or site plans in the City. The Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve with the following conditions:

Conditions to be Met Prior to Granting the TDR:

1. Payment of the TDR fee (\$26,804)

Conditions to be Met Prior to Signing of the Plans:

2. The applicant shall provide a digital version of the plan to the Planning Department.
3. The applicant shall provide homeowners association documents to be reviewed and approved by the Assistant City Manager in consultation with the City's General Legal Counsel.
Documentation shall include common space, roadway, perimeter screening, visitor parking, stormwater infrastructure maintenance/operation, private roadway and conversion process, calculation used to determine reserve amount in the treasury, prior to converting ownership and maintenance obligations, including stormwater, open space, and roadway maintenance, and deed/easement requirements per Section 170.27.2.
4. The Applicant shall revise the final plat to
 - a. Add the owners' signatures
 - b. Add the Licensed Land Surveyor, Professional Engineer, Certified Wetland Scientist stamps and signatures
 - c. Note the location of the nearest hydrant
 - d. Add a private road name acceptable to the Building Official and update the design of the driveway to either be a 20' private road, and reduce the size of the turnaround, or add a note about how lot 3 will meet the Fire Code, and remove the turnaround
 - e. Add Planning file number P20-35 to the plan set.
 - f. Add note regarding deed restrictions per TDR Zoning Regulations to the final plan set (ie restricted to 1,400 s.f., of total living area).
 - g. Add a note that the 10' side setback is within the 30' no cut no disturb buffer for lots 1 and 3.
 - h. Remove either note 12 or 28 on sheet 5
 - i. Correct common site plan note 28, and add notes 33 and 34
 - j. Revise note 19 on sheet 5 to add that the project sign shall indicate that the road is proposed to be private and is intended to remain private with no City services.



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- k. Indicate a wetlands buffer placard on lot 3 at the wetlands buffer
- l. Include the house layout presented to the Planning Board on 6/9/20

Conditions to be Met Prior to Construction Activity:

5. The wetlands buffer placard shall be placed on lot 3.

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

6. 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.
7. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

Conditions to be Met Prior to Occupancy:

8. Issuance of a Certificate of Occupancy.
9. Documentation that the HOA has been created and is in place.
10. Impact fees per unit shall be paid per the invoice attached to the Notice of Decision

Motion: F. Torr made a motion that the Board approve the TDR and Subdivision application with staff recommended conditions. Seconded by D. Ciotti. Vote: U/A

NEW BUSINESS

The Vice Chair Announced that items A, B, C and D would be presented and heard together.

- A. Consideration and acceptance of a Minor Subdivision for Thomas & Evelyn Backowies, Assessor's Map 26, Lot 9, zoned Gateway, located at 99-101 Broadway. (1 new lot) *(P20-26)
- B. Consideration and acceptance of a Conditional Use Permit for Thomas & Evelyn Backowies, Assessor's Map 26, Lot 9, zoned Gateway, located at 99-101 Broadway. (Proposal is to allow a front build out of 44.5%, where a 60% minimum is required). *(P20-37)
- C. Consideration and acceptance of a Conditional Use Permit for Thomas & Evelyn Backowies, Assessor's Map 26, Lot 9, zoned Gateway, located at 99-101 Broadway. (Proposal is to allow a 21.5% lot coverage, where 50% is required).*(P20-38)
- D. Consideration and acceptance of a Conditional Use Permit for Thomas & Evelyn Backowies, Assessor's Map 26, Lot 9, zoned Gateway, located at 99-101 Broadway. (Proposal is to allow 2.5% lot coverage, where 50% is required). *(P20-39)

C. Parker explained that the applicant wishes to subdivide one lot into two. The new lot areas would be 0.18 acres or 8,000 s.f. and 0.78 acres or 33,977 s.f. As shown on the plan, the parent lot has a large area of wetlands and wetlands buffers on it, which limits the development potential of the lot. Most of that area will be conveyed to the newly created lot, and as such the lot coverage will not be met for the new lot. Furthermore, the lot coverage of lot one is limited by the existing structure and need for driveway access. Finally, the intent is to use the existing structures, which already do not meet the frontage buildout.

As such, all three Conditional Use Permits (CUPs) are required to subdivide the lot. One CUP is a front build out of 44.5%, where a 60% minimum is required, the second is to allow a 21.5% lot coverage, where 50% is required, and the final is to allow 2.5% lot coverage, where 50% is required.
The lots are proposed to be served by public water and sewer.



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As a Minor Subdivision, this application did not appear before the Planning Board. You will take 4 votes, one on the subdivision, and one per Conditional Use Permit.

Kevin McEneaney, McEneaney Survey, represented the application and discussed the plat. There are two residential units in the existing house and one unit in the barn. The barn is currently connected to the house by a storage area. The proposal is to remove 16' of that storage area which will disconnect the structures. 10' will remain per fire protection regulations.

The larger parcel has small frontage, so they've provided an access easement in case they want to access the upland in the rear of the property.

They need to provide 4,000 sq.ft. of land per unit for the duplex which is why that parcel is 8,000 sq. ft. and why the lot coverage is 21.5%. He further explained the other lot coverage percentages are based on where the structures are on the lots.

Motion: F. Torr made a motion that the Board accept the applications. Seconded by J. Kaspari. Vote: U/A

Public hearing opened.

No one spoke and no comments were received to the office for this case.

Public Hearing closed.

STAFF RECOMMENDATION

Chapter 157-15 of the Subdivision Regulations of the City Code provides for the Boards review of subdivisions of lots in the City. The Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. The applicant shall provide the Planning Department with a digital version of the final plat.
2. Provide a CAD file to the satisfaction of the Asset Management Administrator's satisfaction.
3. The three Conditional Use Permits must be approved.
4. The applicant shall revise the plat to:
 - a. Add Planning file number P20-26 to the title block
 - b. Add signature and stamp of LLS
 - c. Add owners' signatures for recording at Strafford County Registry of Deeds.
 - d. Add 2 wetland buffer placards, one on each side of the structure on lot 2, and one at the end of the driveway, and a final one along the 18' long section (displayed as L2) facing the driveway.
 - e. Show existing water services and new water service
 - f. Update note 6 to indicate what the provided zoning information is and update the minimum lot size.
 - g. Add Common notes 15 (water/sewer) and 33 (topography)
5. The 16' of the attached storage building shall be removed, as per note 4.

Motion: M. Sullivan made a motion that the Board approve the Minor Subdivision application with staff recommended conditions. Seconded by H. Harmon. Vote: U/A

STAFF RECOMMENDATION 20-37:

The Zoning ordinance provides for Conditional Use Permits to allow alteration of the required dimensional regulations in the Gateway Zone. The Planning Department believes this plan is consistent with those



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regulations and recommends that the Planning Board vote to approve with the following Conditional Use Permits with the following condition:

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

1. P20-26 must be approved.
2. The final plat shall note the granting of the Conditional Use Permit for frontage build out.

Motion: F. Torr made a motion that the Board approve the Conditional Use Permit with staff recommended conditions. Seconded by D. Ciotti. Vote: U/A

STAFF RECOMMENDATION 20-38:

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

1. P20-26 must be approved.
2. The final plat shall note the granting of the Conditional Use Permit for lot coverage for lot 1.

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

STAFF RECOMMENDATION 20-39:

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

1. P20-26 must be approved.
2. The final plat shall note the granting of the Conditional Use Permit for lot coverage for lot 2.

Motion: H. Harmon made a motion that the Board approve the Conditional Use Permit with staff recommended conditions. Seconded by T. Clark. Vote: U/A

STAFF COMMENTS

- Donna Benton had a daughter the week prior and is out on maternity leave and should return in September.
- City Hall has reopened to the public
- An updated approved/underway project list was presented and explained.
- Reminder that we are only having one meeting in July and August, as per routine, unless the Board would like to meet more often.

MEMBER COMMENTS

- J. Kaspari praised C. Parker for taking the public feedback and turning it around into the zoning amendments so quickly.
- D. Ciotti noted he is pleased with how well the zoning amendment process has improved over time.
- D. Landry noted the extra personal touch given to that particular neighborhood was great- being able to meet with that group in person tonight.

ADJOURNMENT

Motion: J. Kaspari made a motion to adjourn at 9:10 p.m. Seconded by H. Harmon. Vote: U/A