



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, September 8, 2020**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Dennis Ciotti (Councilor), Dave White, Jackson Kaspari, Ellen Ianello (Alternate), Frank Torr, Tom Clark, Hayley Harmon (Vice Chair), Erin Allgood (Alternate), Dave Landry

Members Not Present (excused): Lisa McGunnigle (Alternate), Matt Sullivan

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 noted Erin Allgood will be sitting in for Matt Sullivan.

1. CITIZENS' FORUM

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

2. APPROVAL OF THE PRIOR MINUTES

- August 25, 2020 Regular Meeting Minutes

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

3. OLD BUSINESS

None

4. NEW BUSINESS

- A. Consideration and acceptance of a waiver request for Jesse Anderson, Assessor's Map F, Lot 12-D-16, zoned R-40, located at 3 Dean Drive. (Proposal is to allow an accessory building lot with a side setback of 13 feet where 20 feet is required in an Open Space Subdivision).*(P87-11A)

C. Parker explained the Dean Drive Subdivision was approved by the Planning Board in 1987. The project was approved as an Alternative Design Subdivision, since renamed Open Space Subdivision.

Typically, setbacks are governed by the zoning code, and relief would be granted by the Zoning Board. However, it was determined that as the zoning code points to the subdivision regulations, in this case the waiver process is the means for relief.

The side setbacks in the R-40, for an Open Space Subdivision, is 20 feet. If the applicant could build a detached garage, they would need a 10-foot side setback. In this case, due to the width of the lots, and the requirement that there be a distance between the principal and accessory structure equal to the height of the rear wall of the accessory structure, a detached garage is not feasible.

The original developer is no longer present in the subdivision, and all ownership rights have been transferred to the Homeowner's Association which has provided support for the request.

Jesse Anderson, 3 Dean Drive, represented the application and discussed the plat. He has approached the neighbors and received their approval. There will be a tree line between the home and the abutter.

Motion: F. Torr moved to accept the application. Seconded by T. Clark. Vote: U/A



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, September 8, 2020**
Meeting Time: **7:00 pm**

Public hearing opened. No one spoke. No emails or calls were received to the office for this item.

Public Hearing closed.

C. Parker noted the plan is consistent with Chapter 157-51 states a waiver may be granted if the Board finds that

“(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or

(2) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.”

Staff believes that the criteria 1 has been met, as the setback relief would be consistent with a detached garage, and the request is similar to other setbacks in the neighborhood.

Staff recommends approval of the waiver request.

D. Ciotti would like the HOA letter rewritten to state that they approve of the waiver, not just that they acknowledge the waiver request.

Motion: D. Ciotti made a motion that the Board approve the waiver application with the condition that the HOA acknowledge they do not oppose the waiver. Seconded by T. Clark. Vote: U/A

- B. Consideration and acceptance of a waiver request for Seth and Kerry Mattson, Assessor's Map F, Lot 12-D-1A, zoned R-40, located at 4 Dean Drive. (Proposal is to allow an accessory building lot with a side setback of 13 feet where 20 feet is required in an Open Space Subdivision).*(P87-11B)

C. Parker explained the Dean Drive Subdivision was approved by the Planning Board in 1987. The project was approved as an Alternative Design Subdivision, since renamed Open Space Subdivision.

Typically, setbacks are governed by the zoning code, and relief would be granted by the Zoning Board. However, it was determined that as the zoning code points to the subdivision regulations, in this case the waiver process is the means for relief.

The side setbacks in the R-40, for an Open Space Subdivision, is 20 feet. If the applicant could build a detached garage, they would need a 10-foot side setback. In this case, due to the width of the lots, and the requirement that there be a distance between the principal and accessory structure equal to the height of the rear wall of the accessory structure, a detached garage is not feasible.

The original developer is no longer present in the subdivision, and all ownership rights have been transferred to the Homeowner's Association which has provided support for the request.

Kerry Mattson, 4 Dean Drive, represented the application and discussed the plat. The width is to accommodate two 9' garage doors, an entrance door and internal stairs to enter the house. Currently they have to climb nine stairs that are exposed to the weather to enter the home. Attaching the house to the garage gives the family safe access to the home. There are other properties in the neighborhood that have made this same change and the immediate abutting neighbors are supportive of the plan.

Motion: F. Torr moved to accept the application. Seconded by T. Clark. Vote: U/A



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, September 8, 2020**
Meeting Time: **7:00 pm**

Public hearing opened. No one spoke. An email from Michaela Nitschke in support of the application was provided to the Board. No calls were received to the office for this item.

Public Hearing closed.

C. Parker noted the plan is consistent with Chapter 157-51 states a waiver may be granted if the Board finds that

“(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or

(2) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.”

Staff believes that the criteria 1 has been met, as the setback relief would be consistent with a detached garage, and the request is similar to other setbacks in the neighborhood.

Staff recommends approval of the waiver request with the condition that the HOA confirm they are not opposed to the request.

Motion: F. Torr made a motion that the Board approve the waiver application. Seconded by T. Clark. Vote: U/A

- C. Consideration and acceptance of a Minor Subdivision for Bruce Caswell, Assessor's Map G, Lot 31, zoned CM, located at 66 Littleworth Road. (1 new lots) *(P20-50)

C. Parker explained the applicant received approval for this lot to have a ground mounted solar panels within the wetlands in August 28, 2014. The proposal is to place the solar panels on a separate lot from the Single-Family Home. The site is proposed to be serviced by municipal water and septic sewer. One lot will be 3.65 acres or 159,035 s.f. The second lot will be 5.53 acres or 241,045 s.f.

As a Minor Subdivision, this application did not appear before the TRC.

Kevin McEneaney, McEneaney Survey Associates, represented the application and discussed the plat. It is the desire of the landowner and the owner of the solar array to have those on separate lots. It will require state subdivision approval.

F. Torr inquired about driveway access. They are applying for a driveway.

Motion: F. Torr moved to accept the application. Seconded by T. Clark. Vote: U/A

Public hearing opened. No one spoke. No emails or calls were received to the office for this item.

Public Hearing closed.

C. Parker noted the plan is consistent with Chapter 157-15 of the City's Land Subdivision Regulations, which provides for subdivision of existing lots. Staff recommends the Planning Board approve the application with the following conditions:



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, September 8, 2020**
Meeting Time: **7:00 pm**

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 a CAD file to the satisfaction of the Asset Management Administrator's satisfaction.
3. The applicant shall revise the plat to:
 - a. Add signature and stamp of LLS
 - b. Add owners' signatures for recording at Strafford County Registry of Deeds.
 - c. Update the Zoning to CM
 - d. Update front setback to 35' from 50'
 - e. Add the setbacks to the newly created lot, and revise front setback on house lot.
 - f. Remove note 13.
 - g. Add Planning File # P20-50
 - h. Add common subdivision notes 27 and 28
 - i. Add a note about state subdivision approval
 - j. Provide a note regarding existing access easement

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

- D. Consideration and acceptance of a driveway waiver request for Karl Leinsing, Assessor's Map L, Lot 15D, zoned R-20, located on 77 Spur Road. *(P20-55)

C. Parker explained that that applicant is requesting to widen his driveway to 35 feet. He submitted a driveway permit to the City Engineer, which showed two options. The City Engineer approved the option which did not widen the driveway at the interconnection with Spur Road.

Chapter 157 section 50 states that "No construction permit shall allow a residential driveway entrance, exit or approach to be constructed more than 22 feet in width." This is in place to reduce conflicts with oncoming vehicles, allow for minimum impervious surface and an orderly and clean connection between the private driveways and public roadway.

The City is in the process of reconstructing Spur Road and has worked with property owners along the road to create consistent connections between the right of way and driveways.

As per the Subdivision Regulations the applicant then appealed the request to the City's Community Service's Director, who denied the appeal. The Planning Board has the ability to override the Community Service's Director.

The Community Services Director supported the City Engineer, stating in part: "The intent of regulating and permitting driveway access onto public roads is to ensure there are consistent safety guidelines to accommodate private access. Additionally, it appears ample parking currently exists, and an overall strategic objective of the City is to limit expansion of impervious surfaces, especially when located in proximity to an environmentally fragile resource such as Great Bay."

D. White recused himself from the case and E. Ianello sat in for him.

Karl Leinsing, 77 Spur Road, represented the application and discussed the waiver. He showed two options on the screen. There is currently rough pavement to the 22' regulation and there is dirt and limestone out to the larger width option due to the drainage digging that was done.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, September 8, 2020**
Meeting Time: **7:00 pm**

One reason he is seeking the wider driveway is because his driveway is narrow and when turning with a trailer it is not possible to stay on the paved driveway. His neighbor's driveway is 40' wide and he is asking for only 35'. Other neighbors also have very large paved entrances, and some have two driveway entrances.

Because of the new swales, there is no parking available along the side of the road. UPS, contractors and guests all have to park in the driveway rather than the edge of the road.

If permeable pavement is available, he will use that. He has been active with the neighborhood paving and drainage plans and knows this added 13' of pavement should not have a negative impact.

The wider driveway is in character with the neighborhood and is a safety improvement.

D. Landry wondered if there was ever a time when the applicant could pull into the driveway with trailers without issue. No, he's been using his neighbor's driveway for the large trailer.

D. Ciotti wondered why the applicant needs three trailers on the property. One is a boat trailer since they live on the water. One trailer is for winter sports equipment and the one that comes to transport is for his job- he is a race car driver.

F. Torr wondered why this driveway had to come before the board when the abutting driveways did not. All driveways were put back the way they were before construction. The applicant is asking for an increase of driveway width.

E. Ianello wondered if there is a driveway regulation regarding two driveway entrances. C. Parker noted these are grandfathered in- new construction does not allow for two driveway entrances for residential property.

D. Landry is conservation minded but thinks this is a minor issue since the added pavement is out by the road.

Motion: F. Torr moved to accept the application. Seconded by T. Clark. Vote: U/A

Public hearing opened.

No one spoke. C. Parker noted no emails or phone calls were received for this item.

Public Hearing closed.

Chapter 157-58 states "Any person aggrieved by a decision of the Community Services Director regarding driveways may request a hearing before the Planning Board on the merits of his or her case.... the Planning Board shall hear the facts in the case and vote to confirm, reject or modify the decision of the Community Services Director. The decision of the Planning Board shall be final."

Staff supports the Community Services Director and believes that the applicant has not demonstrated a hardship.

Chair Cruikshank was hesitant to override the experts.

T. Clark agreed.

F. Torr thinks the circumstance warrants overriding. He is in support of the request and it is an injustice not to grant it after seeing the neighboring sites which also exceed the 22' regulation.

D. Ciotti noted the City went through and repaved the ends of each of these driveways that are over the regulation and did not do anything about it, so he agrees with F. Torr.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, September 8, 2020**
Meeting Time: **7:00 pm**

Motion: T. Clark made a motion that the Board to confirm the decision of the Community Services Director. Seconded by D. Ciotti. Vote: 6-3 with E. Ianello, F. Torr and D. Landry opposed.

The Vice Chair noted that items E and F will be heard together, and that item F will be voted on first.

- E. Concept review of a Site Plan for Quantum Real Estate Group, Assessor's Map H, Lot 29-A-3, zoned CM, located on Littleworth Road. (Proposal is to create 30,000 square feet of self-storage in 3 buildings) *(P20-44)
- F. Consideration and acceptance of a Conditional Use Permit for Quantum Real Estate Group, Assessor's Map H, Lot 29-A-3, zoned CM, located on Littleworth Road. (Proposal is to impact 1,100 square feet of conservation district and 1,550 square feet of wetlands buffer) *(P20-45)

C. Parker explained the applicant is requesting site plan approval to construct 30,000 square feet of self-storage units on Littleworth Road in a recently rezoned area.

The site constraints require that there be 1,100 sf impact to the conservation district and 1,550 sf to wetlands buffers, for the driveway and storm water management.

The site is proposed to be serviced by municipal water and sewer.

This project received a variance for the use in 2019. While that became moot with the rezoning of the property in 2020, the conditions from the variance have been noted and maintained as part of the proposed plan.

This application was reviewed by the Technical Review Committee on August 6, 2020. The Conservation Commission reviewed and endorsed the CUP application at its August 10th meeting.

FX Bruton, Bruton & Berube and Robert Stowell, Trittech Engineering, represented the application and discussed the plat.

Bruton: The reason for conditional use permit is for two minimal impacts to wetlands buffer. They've structured the layout in a favorable way. The plan went to the Conservation Commission and received unanimous support.

Originally this zone was R20 and mostly residential, but now it is zoned CM and the application has received full support and zoning approval.

The project is a low-impact commercial level of activity- a storage facility. The zoning board asked them to line the units in the back of the property and where they are not as visible and the applicant has done that.

Stowell: There is a small wetland out by the road which was created by some pooling due to some drainage that's not flush with the road. There is a 50' buffer associated with that which is slightly impacted by the placement of the driveway.

The areas of impact in the back are due to storm water management from culvert outfalls.

Some abutter concerns are about traffic and the applicant has provided required traffic documentation in their packet. This use is a very low traffic generator. Saturday is the busiest with 9 peak hour trips. Besides houses, this is about the least traffic-generating use.

Motion: D. White moved to accept both the applications. Seconded by E. Allgood. Vote: U/A



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, September 8, 2020**
Meeting Time: **7:00 pm**

Public hearing opened.

Vern Stillwagon, 20 Old Littleworth Rd lives across the street and is opposed to the project. He does not want storage facilities at that location. He was ok with the houses that were going to be put in before.

An email from Diane Stowell, 5 Old Littleworth Road was submitted.

A phone call from Deb Sousane at 26 Littleworth Road, was received.

Both are against the Site Plan and Conditional Use Permit.

Public Hearing closed.

C. Parker noted that 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.

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

The Planning Department recommends the Planning Board approve the Conditional Use Permit with the following condition:

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

1. The Board approves P20-44

Motion: D. Ciotti made a motion that the Board approve issuance of the Conditional Use Permit with staff recommended condition. Seconded by F. Torr. Vote: 8-1 with D. Landry opposed.

The Planning Department recommends the Planning Board approve the Site Plan with the following condition:

Conditions to Be Met Prior to the Signing of Plans:

1. The conditional use permit (P20-45) shall be approved.
2. The applicant shall provide:
 - a. A digital version of plan set
3. The applicant must revise final plan set to:
 - a. Add the owner's signatures to the final plan submitted for signature to be recorded at the Strafford County Registry of Deeds
 - b. Add LLS, PE, Landscape Architect, and Architect signatures and stamps to final plan
 - c. Update the State and Federal Permit information

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.

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

5. The wetlands buffer placards shall be installed.

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.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, September 8, 2020**
Meeting Time: **7:00 pm**

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

Motion: D. White made a motion that the Board approve the Site Plan with staff recommended conditions. Seconded by D. Ciotti. Vote: U/A

The Vice Chair noted that items G, H and I will be heard together.

- G. Consideration and acceptance of a Minor Subdivision for Wolcott Holdings LLC, Assessor's Map 39, Lot 63, zoned Gateway, located on 33 New Rochester Road. (Proposal is to create 2 new lots) *(P20-47)
- H. Consideration and acceptance of a Conditional Use Permit for Wolcott Holdings LLC, Assessor's Map 39, Lots 63, 63-1 and 63-2, zoned Gateway, located on 33 New Rochester Road. (Proposal is to alter side setback associated with newly created lot lines) *(P20-53)
- I. Consideration and acceptance of a Conditional Use Permit for Wolcott Holdings LLC, Assessor's Map 39, Lot 63-1, zoned Gateway, located on 33 New Rochester Road. (Proposal is to allow construction of duplex with area of 4278sf, where 8,000 sf is required) *(P20-54)

C. Parker explained the applicant is seeking to subdivide the parcel, which has an existing home on New Rochester Road. The square footage of Map 39 lot 63 is 18,600 sf. This would allow 4 units under the zoning. The applicant wishes to be sensitive to the existing single-family homes on Gage Street, and create a two unit, between a two single family homes.

To best lay this out, with buffers to existing homes, the middle lot would have reduced setbacks of 5' where 10 are required. The newly created lots will be located on Gage Street and would require Conditional Use Permits for the side setbacks and to allow a two family on a lot with 4,278 sf where 8,000 sf is required.

The Gateway requires no minimum lot size (density governs the sf needed), and no minimum frontage. The subdivision does not require the Conditional Use Permits to be approved. The CUPs are required for the use of the properties. If denied, the applicant could resize the proposed buildings and have a single family on all three.

The density of the lot with the two family should be 8,000 sf. It is possible to create a lot meeting this minimum lot size, however, the lot would be oddly shaped and require either removing the garage or having it on the duplex lot with an easement for the 33 New Rochester lot. That would reduce the buffering and the goal of trying to look like the buildings fit within the existing streetscape.

The applicant has agreed to install a fence along the boundary with 3 Gage Street, and to place the building along that sideline, meeting the setbacks. This will provide a barrier between the driveway and yards created. Finally, it should be noted that the conceptual driveway shown on the plan, for the duplex would need a waiver to build, as any portion of the driveway within the ROW must be 22' wide. No waiver has been requested, so it will need to comply with the driveway regs for the proposal.

As a Minor Subdivision, this application did not appear before the TRC. The site is proposed to be serviced by municipal water and sewer.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, September 8, 2020**
Meeting Time: **7:00 pm**

Christopher Mulligan, Bosen and Associates and Robert Stowell, Trittech Engineering, represented the application and discussed the plat. The current lot is 18,000 sq. ft. and would support four units with accessory dwelling options. That would be a lot of density to put in there. Instead, they are proposing this plan with two single family lots with a duplex between. The setback relief requested is only for the internal property lines they are creating.

The duplex lot has been designed to mirror the lot across the street in frontage and size.

E. Ianello wondered how many cars the duplex driveway can accommodate and how many bedrooms are in the units. Four cars and two 2-bedroom units will be in the duplex.

Motion: J. Kaspari moved to accept all three applications. Seconded by E. Ianello.

Discussion ensued about the side setback to the existing detached garage which should be 10' but will only be 5'. The meeting agenda was posted correctly. The applicant needs the CUP for all three properties.

Vote: U/A

It was decided the items will be voted on in the following order:

- (H) CUP for side setbacks
- (G) Subdivision
- (I) CUP for duplex

Public hearing opened.

Martha Wilson, 8 Auburn St has lived there for 37 years. It's a neighborhood with very little traffic. This proposal is greedy – to put that much density on the same size lot where she has a small cape and detached garage. She is not in favor of this density.

Joe Perrelli, 35 New Rochester Rd is across the street from the proposed project. He has concerns about the designs and requests that are being made tonight. He was here in June to oppose the gateway zoning change for this neighborhood due to height, setbacks and density. He walked away from that meeting feeling better about the Gateway zone, but approving exceptions such as this project sets a bad precedence. He would like the board to deny these applications. It is not in keeping with the neighborhood and will set precedence. The setback reductions are not needed. There is no hardship- it is being designed that way. The property across the street with 6' setback on one side is due to an existing utility pole that Eversource did not want to move. Otherwise, the house would have been centered on the lot. There is 18' on the other side. The proposed parking is not sufficient for four cars and with the tapered driveway it will be very difficult for the residents of the duplex.

Kimberly Whitesell, 3 Lakeview Dr is concerned about the removal of the wooded areas and wildlife. She gave specific examples.

Dianne McMillen, 3 Gage St is the abutter and is concerned about parking and traffic issues. It's already difficult to get out to the road, and there aren't even 12 cars on Gage St. now. This will add 12 more cars to the street.

Darlene Perrelli, 6 Gage St lives across the street from the proposal. She is opposed to the project due to the 8-10 additional vehicles on the road. Gage St is only 18' wide and even less in the winter with snow. The proposed driveway is insufficient and can lead to visitors parking on the road which is dangerous. Already cars have to pull over to let each other pass. The road is used by neighborhood pedestrians. Development



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, September 8, 2020**
Meeting Time: **7:00 pm**

should not create unsafe conditions. This project would set precedence for size and setbacks. The proposed duplex is a wider structure on a smaller lot with smaller side setbacks than her single-family home which it was compared to in the application. She requests the subdivision is denied and that the board approves a single-family home that meets requirements.

Terrence Dunn, 15 Lakeview Dr understands an investors position however, it's not fair to jeopardize the way of life a neighborhood has enjoyed over time. He understands the board's position as well. He is concerned about the traffic congestion and the safety issues that will bring.

Kim Faustino, 7 Lakeview Dr was concerned about the transition to the Gateway zone but was assured by this board that protections such as setbacks would be in place. Gage Rd is narrower than the driveway of the applicant from before who was looking to widen his driveway. She is concerned about adding all of those driveways and added traffic to such a narrow road.

C. Parker noted emails from Aimee Dion, Marybeth Perrelli and Martha Wilson were received. Furthermore, a phone call and email was had with Joe Perrelli. All of the communication was opposed to the applications.

Mr. Mulligan addressed some of the public comment. The proposal complies with all of the necessary off-street parking requirements. They are not asking for any additional density than what is allowed based on the lot area. In the Gateway zone, more than one building is allowed on a lot. If the applicant is unable to subdivide the lots, they could propose a similar development with condominium ownership. This proposal is a better option than that.

Public Hearing closed.

C. Parker again noted he suggests the board take the matters in the following order:

- (H) CUP for side setbacks
- (G) Subdivision
- (I) CUP for duplex

T. Clark asked about the restoration of the lots. C. Parker explained how the process came to be at this point.

T. Clark understands seeking the subdivision but cannot justify granting waivers for the CUP for self-imposed restrictions. The applicant could take down the garage and expand the lots and side setbacks which would be a more acceptable plan. He would also not support the CUP for the duplex.

D. White, D. Landry and J. Kaspari agreed with Mr. Clark. J. Kaspari also pointed out that though the applicant claims sufficient parking, there is no finalized driveway plan for the board to review.

Motion: T. Clark made a motion that the Board deny the setback CUP as the request is asking relief from a self-imposed restriction. Seconded by D. White. Vote: U/A

C. Parker suggested the applicant be allowed to withdraw or table the other applications or the board vote to approve the subdivision with the condition that the garage is removed or moved by 5' to meet setbacks.

A 5 min recess was taken for the applicant to decide if the other applications should be heard by the board.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, September 8, 2020**
Meeting Time: **7:00 pm**

Mr. Mulligan confirmed for the board that the applicant is withdrawing the two applications for subdivision and Density CUP.

The Chair announced to the public that if the applicant comes back with a revised plan, the abutters will be noticed again.

5. STAFF COMMENTS

- Appeal was filed on Preble Street
- TRC for 35 Chestnut, 71 Glenwood, Leather's Lane
- Donna Benton has returned to work
- 144 Mast Rd has chosen to reduce their extra TDR request from 2 (approved last month) to 1

6. MEMBER COMMENTS

- Today work started on the community trail phase 3- Fisher St and south.
- T. Clark wondered if the City can notify Burger King that they have an obsolete sign. There hasn't been a restaurant in there for over 6 months.
C. Parker noted there is an active permit for them to rehab the building, so it's not considered outdated yet.
- Chair Cruikshank noted F. Torr was selected as the Citizen Planner of the Year for Northern New England- congratulations!
- F. Torr noted the positive impact and additional jobs created the Broad View Animal Hospital is great.

7. ADJOURNMENT

Motion: D. White made a motion to adjourn at 9:30 p.m. Seconded by H. Harmon. Vote: U/A