



CITY OF DOVER

## DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued  
Meeting Location: City Council Chamber's 288 Central Avenue  
Meeting Date: **Tuesday, November 10, 2020**  
Meeting Time: **7:00 pm**

**Members Present:** Gina Cruikshank (Chair), Dennis Ciotti (Councilor), Ellen Ianello, Dave White, Dave Landry, Lisa McGunnigle (Alternate), Erin Allgood (Alternate)

**The following Board members called into the meeting:** Frank Torr, Tom Clark

**Members Not Present (excused):** Jackson Kaspari, Hayley Harmon (Vice Chair), Kyle Pimental (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. She noted that E. Ianello will serve as Vice Chair, and E. Allgood will sit for H. Harmon. As two members are participating remotely, we will have roll call votes when needed.

### 1. CITIZENS' FORUM

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

### 2. APPROVAL OF THE PRIOR MINUTES

October 27, 2020 Regular Meeting Minutes

**Motion:** D. White moved to approve the minutes as presented. Seconded by D. Ciotti.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, L. McGunnigle-yes, D. Landry- yes, E. Allgood -yes, D. White-yes, T. Clark-yes, F. Torr-yes

### 3. OLD BUSINESS

### 4. NEW BUSINESS

- A. Consideration and acceptance of a Lot Line Adjustment for Mark Houston Dalzell Revocable Living Trust, Mark H. Dalzell, Trustee, Assessor's Map N, Lots 8-1-7 & 8-1-8, zoned R-40, located at Saddle Trail Drive. \*(P20-69)

C. Parker explained that the applicant is proposing to adjust the lot line between the two lots moving "Tract A" which is approximately 11,100 s.f. along the river from lot 8-1-8 to lot 8-1-7 and "Tract B" which is approximately 10,527 s.f. from lot 8-1-7 to lot 8-1-8.

As this application is a lot line adjustment, it was not reviewed by the Technical Review Committee.

Kevin McEneaney, McEnenay Survey and Engineering, represented the application and discussed the plat. Both lots are owned by the same owner and are in excess of five acres. They have individual wells and septic systems and are accessed by a common driveway. A driveway easement is included in the plan.

**Motion:** D. Landry moved to accept the application. Seconded by E. Ianello.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, L. McGunnigle-yes, D. Landry- yes, E. Allgood -yes, D. White-yes, T. Clark-yes, F. Torr-yes



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*Public hearing opened.*

No emails or calls were received by the office.

*Public Hearing closed.*

C. Parker noted the plan is consistent Chapter 157-18 of the Subdivision of Land Regulations of the City Code provides for altering the boundary lines between two or more adjacent lots by the Planning Board. Staff recommends approval with the following conditions:

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

1. The applicant shall provide the Planning Department a
  - a. digital version of the plan.
  - b. CAD file to the satisfaction of the Asset Management Administrator.
2. The applicant shall revise the plat to:
  - a. Add Planning file number P20-69 to the title block
  - b. Add signature and stamp of LLS
  - c. Add owners' signatures
  - d. Revise spelling of river to "Cochecho"
  - e. Revise to indicate lot 8-1-7

**Motion:** D. Landry made a motion that the Board approve the application with the staff recommended conditions. Seconded by E. Ianello.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, L. McGunnigle-yes, D. Landry- yes, E. Allgood -yes, D. White-yes, T. Clark-yes, F. Torr-yes

The Vice Chair noted items B and C would be heard together.

- B. Consideration and acceptance of a Conditional Use Permit for Michael Khavari, (Owner: Karen A. Towle, Trustee & James B. Towle & Karen A. Towle Revocable Trust), Assessor's Map I, Lot 4-A, zoned R-12, located on Leather's Lane. (Proposal is for 40 single family units with 15,383 s.f. of steep slope impact and 12,910 sq. ft. of wetland buffer impacts). \*(P20-70)
- C. Consideration and acceptance of a Major Subdivision for Michael Khavari, (Owner: Karen A. Towle, Trustee and James B. Towle & Karen A. Towle Revocable Trust), Assessor's Map I-2, Lot 4-A, zoned R-12, and located at Leather's Lane. (Proposal is to develop a 16 acre parcel with a 40 unit detached condominium via TDR). \*(P20-71)

C. Parker explained that the applicant proposes to subdivide Dover Tax Map I, Lot 4-A, a 16 acre parcel, into 40 residential homes plus open space. The property is surrounded by Davis Farm, which has 41 units, Ford's Landing with 65 units and Rosanna Drive with 22 units There are single family homes on Leather's Lane itself.

The necessary drainage and roadway create 15,383 s.f. of steep slope impact and 12,910 sq. ft. of wetland buffer impacts

The applicant appeared before the Planning Board in November of 2019, seeking to use the Transfer of Development Rights Ordinance to purchase 27 units. The base allowance for the lot was calculated at 33 units. The Board took no action in November, and the applicant returned in January of 2020 reducing that number to 45. The Board approved the sale of up to 12 units. Now that the applicant has finished the engineering design plans, they are proposing 40 units (thus buying 7 units which will be limited to 1,400 s.f.).



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The units would be served by private sewer via an easement and public water. The streets are intended to be private. The Technical Review Committee reviewed the application at their September 17 and October 8 TRC meetings.

The Conservation Commission endorsed this project with the recommendation “that the plan be modified to change to a 2:1 side slope on the road and add a guardrail in the area of impact G and insure that the area within 400 feet of the river be maintained as undisturbed in perpetuity”. The applicant has revised the plans since then to try to address that recommendation.

The applicant has provided a written narrative explaining how they meet the criteria of the conditional use permits for the Conservation District including how they avoid, minimize, mitigate, and the efficacy of the soil erosion and sedimentation control plan. The narrative, paired with the verbal description at the Conservation Commission meeting exemplifies how the design has changed since the first proposal to meet the CUP criteria.

FX Bruton, Bruton & Berube, represented the application and discussed the plat. The first proposal they made a year ago brought out many folks in opposition. The applicant reconsidered the project and reduced the density. Since then the project has been reviewed by various committees and the scope has been reduced again. It is now less dense than the surrounding projects in the area.

Significant portions of the property will be preserved. The Conservation Commission unanimously supported the proposal with suggestions to lessen the buffer impacts.

The project is consistent with other projects in the neighborhood and was developed in a responsible way and addressed the concerns that were raised.

One issue raised was traffic. A traffic study was done and concluded no modifications were necessary, but the applicant agreed with abutters that a right-hand turn lane should be added at the intersection. Another concern was wildlife habitat. An assessment was done and concluded the project would not impact wildlife habitat.

Mr. Bruton reviewed concerns that were discussed with the neighboring condo association and the stipulations agreed upon by the applicant.

Steve Haight, Civilworks NE, reviewed the technical aspects of the CUP request.

There is a 20% slope impact for roadway grading and wetland buffer impacts are for road slopes and drainage structures for stormwater controls and treatment. All drainage on the site is contained, treated and discharged on site.

He reviewed the conditional use permit criteria and explained how the project meets each of them.

D. Landry asked: Is there drainage that will be moving/ will the wetland conditions continue as they currently are? Yes, what was there previously will remain.

**Motion:** F. Torr moved to accept the application. Seconded by E. Ianello.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, L. McGunnigle-yes, D. Landry- yes, E. Allgood -yes, D. White-yes, T. Clark-yes, F. Torr-yes



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*Public hearing opened.*

Cathy Auclair, 103 Katie Ln urged the board to do a site walk to assess the impacts to the environment and the neighborhood. She disagrees with granting the TDR or the CUP. She is concerned about encroachment into the conservation area and density. She believes the proposal is for economic gain which is not a sufficient reason for proposed use.

Scott Lundquist, 38 Ford's Landing would like an independent verification of the condition and size of the sewer infrastructure prior to construction. Also, make sure the homes on Leathers Ln are included in the sewer numbers.

Dave Vincent, 103 Katie Ln expressed concerns about traffic especially since there is a separate 44 unit project going in right in that area.

Emails were received and provided to the Board from:

- Linda Holton, 12 Katie Lane
- Alice and Jeffery Murray, 93 Katie Lane
- Bruno Ferrari, 23 Katie Lane
- Mark and Linda Colan, 34 Katie Lane
- Marie Bean, 81 Katie Lane
- Linda Gavin, 92 Katie Lane
- Kayleigh Merritt, 33 Katie Lane
- Kathy Hudson, 31 Katie Lane
- Aaron Frost, 32 Katie Lane
- Linda O'Der, 62 Katie Lane
- Christine Shannon, 113 Katie Lane
- Louise Rouleau, 82 Katie Lane
- Kevin Shannon, 113 Katie Lane
- Janice Mathewson, 73 Katie lane
- Elizabeth Calder, 142 Katie Lane
- Stephen McKinney, 71 Katie Lane
- Cathy Auclair, 103 Katie Lane

C. Parker summarized the concerns about density, traffic, screening, sewer line, project size, legal fees, property values, length of construction timeframe, existing road condition, blasting and parking.

No calls were received by the office.

*Public Hearing recessed.*

C. Parker noted that the project has raised numerous concerns by abutters, and the applicant has tried to work with the abutters to address them, which is appreciated. That said, based upon the general concerns raised staff recommends tabling the applications to hold a site walk. The Planning Department recommends that the Board table the item until December 15, 2020 so that a site walk can be held before then and/or the conditions of approval can be created.



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D. Ciotti asked about the sewer system and how and where it's connecting. Mr. Haight explained the details.

E. Ianello would like to confirm the herbicides will be restricted to organic materials near these wetland sites. Mr. Haight said that is not a problem.

The board will hold a site walk Saturday November 14<sup>th</sup> at 9am. The abutters will be notified by email. The board discussed what details they want to have marked out.

**Motion:** D. Ciotti made a motion that the Board table the applications. Seconded by L. McGunnigle.  
Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, L. McGunnigle-yes, D. Landry- yes, E. Allgood -yes, D. White-yes, T. Clark-yes, F. Torr-yes

### 5. STAFF COMMENTS

- No TRCs scheduled for the next three weeks
- Community Trail work continues in the area of Fisher Street.
- Veteran's Day Information was reviewed.

### 6. MEMBER COMMENTS

- D. Ciotti asked about lighting for the community trail. C. Parker noted there will be lights at trail heads where there isn't enough streetlight. The trails are open from dawn to dusk so no additional lighting is proposed.
- E. Ianello asked if there are any emergency blue light /contact areas proposed anywhere along the trail. C. Parker will check.
- T. Clark commented that the technology/ microphones in the meeting room need upgrading if meetings will continue in this format.

### 7. ADJOURNMENT

**Motion:** D. White made a motion to adjourn at 8:25 p.m. Seconded by E. Allgood.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, L. McGunnigle-yes, D. Landry- yes, E. Allgood -yes, D. White-yes, T. Clark-yes, F. Torr-yes