DOVER PLANNING BOARD – MINUTES

Meeting Type:	Regular Meeting, continued
Meeting Location:	City Council Chamber's 288 Central Avenue
Meeting Date:	**Tuesday, March 23, 2021**
Meeting Time:	**7:00 pm**

Members Present: Gina Cruikshank (Chair), Dennis Ciotti (Councilor), Dave White, Mark Speidel (Alternate)
The following Board members called into the meeting: Frank Torr, Tom Clark, Jackson Kaspari, Kyle Pimental, Erin Allgood (Alternate), Hayley Harmon (Vice Chair), Dave Landry
Members Not Present (excused):
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 certain members of the Planning Board are participating in this meeting remotely, and as the Chair of the Planning Board she has, per NH RSA 91-A:2, III (b), declared an "emergency" within the meaning of that statute and waive the requirement that a quorum be physically present at the meeting. Remote members will identify their location and any person present with them at that location. All votes will be by roll call.

The City of Dover has taken extra steps to ensure the physical location of this meeting conforms with all safety provisions during the pandemic, including social distancing, face coverings, and frequently sanitized facilities. Although qualified members of the public can participate in the meeting by speaking at the physical location, the public is encouraged to leave comments in advance by calling 516-MEET (6338), emailing Dover-Planning@dover.nh.gov, or mailing written comments to Planning Board, Dover City Hall, 288 Central Ave., Dover, NH 03820. Messages must be received no later than 4 p.m. the day of the meeting and should identify the name and Dover address of the person leaving the message or providing the comment.

Chair Cruikshank noted E. Allgood will sit for D. Landry, who arrived mid-meeting.

1. CITIZENS' FORUM

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

2. APPROVAL OF THE PRIOR MINUTES

March 09, 2021 Regular Meeting Minutes

Motion: D. White moved to approve the minutes as submitted. Seconded by D. Ciotti.
Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, E. Allgood- yes, J. Kaspari -yes, D. White-yes, T. Clark-yes, F. Torr-yes

3. OLD BUSINESS

4. NEW BUSINESS

A. Consideration and acceptance of a Minor Lot Line Adjustment for Zeland Schwartz Revocable Trust, (Owners: Zeland Schwartz Revocable Trust & Zeland Schwartz), Assessor's Map H, Lots 13 & 14D, zoned R-20, and located at 26 & 26 ½ Bellamy Road. *(P21-08)

C. Parker explained the applicant is requesting to complete a lot line adjustment between two lots. Parcel A, which is 76,501 s.f., will be moved from lot H/13 to lot H/14D. Both lots would have conforming frontage and lot size. This area of the Bellamy is not tidal so these lots are not in the Riverfront Residential Overlay District.

As a Lot Line Adjustment, this application did not appear before the TRC

Kevin McEneaney, McEneaney Survey reviewed the application and project. They propose to take 1.75 ac from H13 and add it to H14D. H13 will result in .46 ac and H14D will result in 3.71 ac. The applicant has no issues with the staff conditions for approval. The circular driveway will be partially removed and both lots are serviced by municipal sewer and water.

Motion: D. White moved to accept the application and noted that there is no regional impact by the request. Seconded by D. Ciotti.

Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, E. Allgood- yes, J. Kaspari -yes, D. White-yes, T. Clark-yes, F. Torr-yes

Public Hearing Opened
No one spoke.
An email from Stephen Thunstrom at 28 Bellamy was received to verify the tree line. No calls were received.
Public Hearing Closed

STAFF RECOMMENDATION:
C. Parker noted that Chapter 157-18 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations, and staff recommends that the Planning Board approve the application with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall provide:
    a. the Planning Department with a digital version of the final plat.
    b. a CAD file to the satisfaction of the Asset Management Administrator.
2. The applicant shall revise the plat to:
    a. Add signature and stamp of LLS
    b. Add owner's signatures for recording at Strafford County Registry of Deeds.
    c. Add Planning File # P21-08
3. Asphalt driveway on 26 Bellamy is cut back to within 5' of the boundary line.

Motion: D. White moved to approve the Lot Line Adjustment. Seconded by D. Ciotti.
Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, E. Allgood- yes, J. Kaspari -yes, D. White-yes, T. Clark-yes, F. Torr-yes

B. Consideration and acceptance of a Conditional Use Permit for Michael Runey, (Owner: Portsmouth Christian Academy), Assessor's Map J, Lot 1-C, zoned R-40, located at 20 Seaborne Drive. (Proposal is to allow and replace existing drainage outfall within a wetland buffer). *(P21-12)

C. Parker explained the applicant is requesting a conditional use permit to remove and replace an existing drainage outfall within a 50-foot wetlands buffer, with an impact of 320 square feet to the wetlands buffer. The lower building has a flat roof and roof drains that are not working well, causing roof leaks. The building is near the Bellamy River. The impacts are to a freshwater wetlands buffer. The roof drain in the southwest corner is the outlet in question. PCA will remove an existing roof drain on the west side of the building. The plan calls for sediment and erosion control measures. The existing outfall has no rip rap at outlet but that will be added in the buffer.

The Conservation Commission reviewed and endorsed the CUP application at its March 8th meeting, with no recommended conditions of approval.

Joshua Bromwell, Facilities Manager at Portsmouth Christian Academy noted there is water intrusion they want to correct to maintain a dry facility for the students and staff. He introduced Wade Lippert, civil engineer with Oakpoint Associates to address the request.

Mr. Lippert noted the flat roof currently discharges water through drainage at several points. The east side discharge will be moved to a location outside of the wetland buffer. The west side discharge currently flowing into the wetland will be redirected elsewhere. The southwest discharge will remain in that location due to the depth of the drainage system and the need for slope for the pipes. The drainage condition will be improved there.

A driveway is being constructed on site to access mechanical equipment. That is not subject to the CUP. A shore land application for that has been submitted to DES.

Motion: D. White moved to accept the application and noted that there is no regional impact by the request. Seconded by F. Torr.

Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, E. Allgood- yes, J. Kaspari -yes, D. White-yes, T. Clark-yes, F. Torr-yes

Public Hearing Opened
No one spoke.
No emails or calls were received.
Public Hearing Closed

STAFF RECOMMENDATION:
C. Parker noted the proposal is consistent with the Wetlands Protection District ordinance, which 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.

Staff recommends that the Board approve the Conditional Use Permit with the following condition prior to issuance of the Conditional Use Permit:

1. Provide a copy of the NHDES Shoreland Permit to the Planning Department.

Motion: D. White moved to approve the Conditional Use Permit. Seconded by D. Ciotti.
Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, E. Allgood- yes, J. Kaspari -yes, D. White-yes, T. Clark-yes, F. Torr-yes

C. Consideration and acceptance of an amendment to the conditions of approval/notice of decision for Index Packaging Inc., Assessor's Map D, Lot 9A, zoned IT, and located at 150 Venture Drive. (Proposed amendment is to note the TDR credit per 170.27.2-G(3)(b)(iii))* (P20-66A)

C. Parker explained the applicant is requesting the Planning Board amend their previous conditional approval to note that with the industrial project, they are granted 8 residential units (rounded down) as credit based on the 57,000 s.f. of new industrial. This regulation was added in the summer of 2020. The applicant can build these units as part of TDR plan as part of a different project or can sell their credit to a different developer to use.

Dave Landry joined the meeting at this time.

James Hayden, Berry Surveying and Engineering reviewed the application and plat.

Motion: D. White moved to accept the application and noted that there is no regional impact by the request. Seconded by D. Ciotti.

Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, E. Allgood- yes, J. Kaspari -yes, D. White-yes, T. Clark-yes, F. Torr-yes

Public Hearing Opened
No one spoke.
No emails or calls were received.
Public Hearing Closed

STAFF RECOMMENDATION:
C. Parker noted Chapter 170-27.2-G(3)(b)(iii) states, "any development approved by the Planning Board after July 1, 2020, which will create a manufacturing or assembly facility over 40,000 square feet, may create and transfer one (1) unit per 2,000 square feet of building approved. The transfer shall not be completed prior to the issuance of the Certificate of Occupancy for the additional space.

This plan meets the criteria outlined, and staff recommends that the Board find the request is consistent with the Master Plan and agrees to amend the conditional approval to revise the Decision Letter to state that a credit of 8 residential units is part of this project and may be used or transferred after the Certificate of Occupancy is issued for the 57,000 s.f. of industrial space, and would require Planning Board review of the final layout and use of those units.

D. Ciotti is concerned about the language "on site" in reference to the additional units. Allowing residential at an industrial zoned site is not permissible and he doesn't agree with it.

C. Parker clarified TRC thought by working with industrial developments, creating on-site residential units could reduce congestion. The request for placement of the units will come back to the Planning Board for approval.

K. Pimental asked if there is a timeframe when the credits for the units need to be used. C. Parker noted there is currently no time limit.

Discussion occurred clarifying the payment or nonpayment price of TDR units at current or future time.

Motion: D. White moved to amend the Notice of Decision to note the sale of the units through the TDR program. Seconded by F. Torr.

Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, E. Allgood- yes, J. Kaspari -yes, D. White-yes, T. Clark-yes, F. Torr-yes

5. STAFF COMMENTS

- C. Parker brought forward a lot merger plan for Stephen Brown, 1 Meadow Ln, for 4 Avon Ave.
    - Chair Cruikshank read the merger plan to the Board members and signed the approval.
- C. Parker updated the Board on the wayfinding and Community Facilities and Utilities Master Plan
- C. Parker asked the Board to authorize the Chair to sign a letter of support for a grant.
    - No board members were opposed, and the Chair signed the letter.
- C. Parker followed up on the question about regional impact, referring to RSA 36:54 noting it should be referenced for every request, not just the requests the Board anticipates regional impact.
- C. Parker addressed K. Pimental's question: Does the City still hold public hearings for lot line adjustments when the adjustment results in an unbuildable lot? Yes, and he explained why.

6. MEMBER COMMENTS

- K. Pimental updated the Board on the Electric Vehicle Charging subcommittee who has met twice and is looking at:
    - requiring a percentage of new parking spaces be EV-ready
    - new definitions
    - adding flexibility with the language in CUP directed at certain land uses
    - PILOTs
    - They are putting research together which they will present to the Board. They plan to draft a revision and have that ready in April
- D. Landry updated the Board on the Wetlands subcommittee
    - Looking at administrative amendments and wetlands buffers
    - Individual grant funds for buffer and setback are $6,000-$15,000
- G. Cruickshank noted she had signed the following plans:
    - 23 Everett Drive (TDR)
    - 25 New Rochester Road
    - The Station on Chestnut/Grove

7. ADJOURNMENT

Motion: D. White made a motion to adjourn at 7:53 p.m. Seconded by D. Ciotti.

Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, E. Allgood- yes, J. Kaspari -yes, D. White-yes, T. Clark-yes, F. Torr-yes