



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, June 25, 2013**
Meeting Time: **7:00 pm**

Members Present: Dennis Ciotti (Chair), Kirt Schuman (Vice Chair), Tom Clark, Frank Torr, Lee Skinner, Gary Green, Dave White, Dean Trefethen, Mayor; Deborah Thibodeaux (Alternate), Catherine Plante (Alternate).

Members Not Present: Dexter Tarbox (Alternate).

Staff Present: Christopher Parker (Planning Director); Gail Pare (Recording Secretary)

The Vice Chair called the meeting to order at 7:01 pm.

1. CITIZENS' FORUM

Open Citizens Forum.

Dan Barufaldi, Director of Economic Development, spoke on behalf of the Citizens Petition being presented tonight regarding signage and that it appeared to him that it proposes a complete cutting of the sign ordinance. He commented that Dover would become a wall to wall billboard.

Ms. Stewart of Hair Dimensions on 55 Old Rochester Road discussed her situation regarding her location and visibility. She feels that an A-frame is important to the visibility of her business. She understands the sign regulations about sidewalk signs, but there are no sidewalks at her location. She feels yard sale and garage sale signs should come down.

Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- May 28, 2013 Regular Meeting Minutes
- June 11, 2013 Workshop Meeting Minutes

Motion: K.Schuman motioned to approve the May 28, 2013 regular meeting minutes and the June 11, 2013 workshop meeting minutes. Seconded by F.Torr. Vote: U/A.

3. OLD BUSINESS

- A. Consideration and possible vote on an amendment to a previously approved Conditional Use Permit (2/28/12) for Seacoast Kettlebell (Owner: Freetrade, Inc.) Assessor's Map 30, Lot 18, zoned I-1, located at 23 Horne Street.* (P12-01-A)

Colin McGarty presented his request for an amendment to his previously approved Conditional Use Permit. The intent is to move his business to 25 Horne Street which is in the same building, just on another side.

C.McGarty confirmed for L.Skinner that the noise generated from inside the building is mostly music.

D.Trefethen asked if they would use the same entrance to the building.

C.McGarty confirmed that it is in the same parking lot, but everything shifts over about 100 feet.

C.McGarty confirmed for G.Green that the hours of operation would be 5:45 a.m. to 8:30 p.m. weekdays and Saturday's starting at 8 a.m. and Sunday's starting at 10 a.m.

C.Parker stated that the applicant came to Planning staff asking to relocate his business. Due to the proposed relocation the space would be increased substantially. He stated that due to the previous impact to the neighbors,



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staff thought it was a positive move. He commented that the Conditional Use Permit remains in effect even if the Board does not approve the amendment.

Motion: K.Schuman motioned to accept the application. Seconded by F.Torr. Vote: U/A.

Public hearing open.

Carol Robinson, who owns a duplex on Berry Brook Ct. addressed Board members and handed out a recap of concerns and existing conditions at the current location including pictures of activities and timeframes. She referred to the applicants request and that the request was through an email and that no signatures were received.

C.Parker confirmed that an amendment does not need an application and an email was sufficient to request the amendment.

Ms. Robinson stated that her home is about 40 feet from the entrance of Seacoast Kettlebell. She commented that there have been many improvements including that the gate stays closed and the street is now safe for the children to play; there are no large vehicles coming and going. She feels that the bad news is that Seacoast Kettlebell has ruined the atmosphere of the neighborhood. She expressed concerns about outdoor activities. She referred to NH RSA Chapter 644 (iii). Ms. Robinson stated that she has lost tenants (4+ families) due to the applicant. She presented pictures from the fall of 2012 showing a time as early as 6 a.m. where the building is already open and people are coming and going. The building is a separate building and referenced the new address of 25 Horne Street, stating it is not the same address. She feels a new Conditional Use Permit would be appropriate. She is encouraging the participants to use the rear entrance and not the furniture entrance. They are for the move, and want the Board to consider how to do this and make it more specific on what would be required. A letter was sent to Seacoast Kettlebell to desist from the noise on August 19, 2012. There has been no change or responses to the letters sent. The neighborhood had suggestions:

1. Terminate the conditional use permit and take it to the new address.
2. If they kept the doors closed at the new location it would be reasonable.
3. Restrict some hours on the weekends and holiday hours.
4. Remove the wooden ramp which would prevent children and youth using bikes and getting hurt.
5. The entrance by the ramp could have a wall that closes off the deck area such as an entryway which would limit some noise.

Elizabeth Setear, 29 Horne Street, also owns property at 6 Berry Brook Ct., mentioned the land use regulations and feels that Seacoast Kettlebell does not have a sense of community. She is in favor of the move. She is concerned with the number of cars the facility draws and stated that she can hear noise from the inside of her home on Horne Street.

Public hearing closed.

G.Green commented on the original Conditional Use Permit and when it was granted, the gate was very important. He commented that there have been improvements, and what he doesn't remember were discussions that included outdoor use of the space. He recommended tabling it until a further date.

L.Skinner reviewed the February 2012 video, which specifically addressed the noise. At that meeting, the questions were addressed by Mr. McGarty who assured the Board that all activities are inside. Noise enforcement is not up to the Planning Board. The Board did not anticipate the noise issues. He questioned the address change.

T.Clark clarified for L.Skinner that it is not uncommon for large buildings to have multiple addresses.



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G.Green remembers the applicant promised that there would not be a noise issue and that all activities would be inside. He asks the applicant to describe how the operation works.

C.McGarty explained that there was a one-time ROTC class for the Marines. He stated that the use of the sleds is staying inside. The tires are used to jump on and he didn't understand the noise issue from the tires. The ramp is owned by Mr. Widmark and he would ask if it could be removed.

K.Schuman commented about the noise complaint stating that the building was an industrial space for many years. The move is a good compromise but he is sensitive to the noise complaints.

L.Skinner commented on the location and if it were used as a manufacturing facility.

D.Ciotti stated that he is familiar with the I-1 zone and asked about noise or police complaints. He feels this is a great move.

C.Parker responded there have been police complaints, but nothing that could be prosecuted. He stated that the I-1 zone has no restriction of hours. The ordinance restriction in hours is 6 a.m. to midnight.

Board discussion ensued about the hours of operation and the outdoor activities.

L.Skinner compared this location to a manufacturing facility that runs 3 shifts, this is much less invasive, and Mr. Widmark has the option of tearing it down and rebuilding something different.

D.Ciotti commented that it is not up to the Planning Board to enforce the ordinance.

L.Skinner asked if the Board should address curtailing all operations outside.

C.Parker stated you cannot prevent people from running in a public right of way.

T.Clark commented that he does not want to micro-manage a business and K.Schuman agreed.

STAFF RECOMMENDATION:

The Planning Department recommends approval of the Conditional Use Permit.

Motion: F.Torr motioned to approve the amendment with no restrictions. Seconded by T.Clark. Vote: U/A.

Board discussion ensued about the motion. F.Torr withdrew his motion. T.Clark withdrew his second.

Discussion ensued and the Board re-voted for clarification.

C.Parker re-read the original staff recommendations.

Mayor D.Trefethen stated that based on what we have heard tonight, he would like to see restrictions and that organized classes not be held on the outside.

G.Green agrees with the D.Trefethen. He feels conditions should be set up and then have enforcement by the proper authorities.

Motion: K.Schuman motioned to amend the previously issued Conditional Use Permit. Seconded by L.Skinner. Vote: 6-3 opposed.



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The Chair announced that Item 3B & 3C remain on the table and will be discussed at the next meeting. Item 4B is a new Conditional Use Permit application that will be discussed under new business Item #4B.

- B. Consideration and possible vote on a Conditional Use Application for STF Development Corp., Assessor’s Map 20, Lot 37, zoned RM-U, located at 3-5 George Street. (proposed 6-unit residential building with wetland buffer and steep slope impacts) *(P13-15)
- C. Consideration and possible vote on a Site Review of land for STF Development Corp., Assessor’s Map 20, Lot 37, zoned RM-U, located at 3-5 George Street. (Proposed 6-unit residential building) *(P13-03)

4. NEW BUSINESS

- A. Impact Fee Waiver Request for Cocheco Mills Holdings, LLC, Assessor’s Map 2, Lots 37 & 37A and Map 3, Lots 63, 63B & 66 located on 100 Main Street.

K.Schuman recused himself. Deb Thibodeaux sat in for K.Schuman.

Matt Assia, Project Manager with Chinburg Properties represented the applicant and gave an overview of the request. He discussed the May 20, 2013 letter presented to the Planning staff and reviewed the amendment to that letter received June 25, 2013, to remove the School Impact Fee and focus on the Recreation Impact Fee. They are withdrawing the Education Impact Fees. They have been investigating the options to redirecting the funds towards Recreation Impact fees.

C.Parker discussed Chapter 170 which allows the Board to waive impact fees and explained the process to the Board. Improvements made to City owned property must accept donations and be approved by the City Council.

F.Torr asked if these projects have been reviewed by the Recreation Director. He asked about item #15 which would fund restoring the bridge over the Cocheco Falls (\$10,000-\$15,000) and replace broken park benches and install additional seating in the park. (\$2,500-\$3,500).

C.Parker stated that he has discussed these projects with the Recreation Director.

T.Clark asked what latitude the Board has on these priorities. He commented on upgrading the Dover Skateboard Park and stated that most of it is aesthetic improvements.

D.Ciotti commented that some of the property that is proposed to be renovated is City owned property. He does not have a problem recommending the priority list to the City Council, but stated that improvements also need annual maintenance and a maintenance agreement must be done.

M.Assia discussed the proposed improvements to the Cocheco Falls Millworks Courtyard and the summer schedule which runs through including the Arts, dinner and a movie.

C.Plante is concerned about the numbers. She questioned the minimums vs. the sum of maximum.

M.Assia stated they would do enough projects which would add up to \$64,000.

C.Parker stated that is important to remember, the Planning Board can waive all or a partial amount of the impact fees. The applicant has to prove to the Planning Board what it will actually cost and protect the public interest in the value of what is waived.

G.Green likes the suggestion of the skateboard park and with a previous waiver, City improvements to the community trail were done in lieu of impact fees.

D.Trefethen commented that he is concerned about recreational facility contributions.

D.Thibodeaux made an observation that she feels much of the work should already be done around the areas of the buildings and wanted to know about other projects which would make up the value.



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M.Assia commented to review the May 20, 2013 letter, which has a longer list of proposed projects to offset the recreation impact fee (amount due: \$64,380). (Sum of Max is \$71,000).

D.Ciotti asked for the Boards comments.

C.Parker confirmed that the recommendation of the Planning Board would be to go to the City Council which would vote to accept the money; the Board would approve to waive that amount.

L.Skinner does not feel he can support improvements at the expense of the Recreation Departments budget.

Motion: L.Skinner motioned to reject the application for all waivers requested. Seconded by D.Thibodeaux.

Board discussion ensued. There was no vote.

G.Green encouraged the applicant to come back with other opportunities for the Board to consider.

C.Parker suggested tabling the application and have the applicant renegotiate in July.

D.White suggested allowing for a partial waiver fee and that he likes some of the items on the list. He agrees it should go to the Recreation Dept.

L.Skinner withdrew his motion to reject and D.Thibodeaux withdrew her second.

Board discussion on the motion.

Motion: D.White motioned to table the application to allow the applicant time to discuss with the Planning Director and then come back to the Board at another meeting. Second by T.Clark. Vote: U/A.

K.Schuman returned and D.Thibodeaux sat out.

- B. Consideration and acceptance of a Conditional Use Permit for reduced parking for STF Development Corp., Assessor's Map 20, Lot 37, zoned RM-U, located at 3-5 George Street. (Proposed 6-unit residential building) * (P13-30)

K.McEaney represented the applicant and gave an overview of the application request. Paul Connelly, of Civilworks was on hand to answer any questions. The proposed CUP was discussed with the Conservation Commission and the Engineering Dept., which have all discussed ideas that would assist in addressing some of the post development runoff. Water runoff was discussed for George Street and Hanson Street. K.McEaney referred to the June 13, 2013 Technical Memo that speaks to onsite parking and discussed the proposed parking including visitor spaces.

K.McEaney confirmed for L.Skinner that they will be returning to the Conservation Commission.

C.Parker confirmed for D.Trefethen that there is non-delineated on street parking on Hanson Street and George Street.

C.Parker confirmed for D.Plante that the Capital Improvement Plan (FY2017) Hanson Street/Central Avenue; and Silver Street/Central Avenue will all have proposed changes to the intersection.

Motion: D.White motioned to accept the application. Seconded by L.Skinner. Vote: U/A.

Public hearing open. Nobody spoke. Public hearing closed.

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board accept the application and then table the application to a date certain so that a decision on this application can occur at the same meeting as the associated site plan (P13-03) and Conditional Use Permit (P13-15).



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G.Green made a comment about the 4-unit and that a variance was issued to make it a 6-unit, which required more parking. He does not have a problem with the request.

D.White questioned if there is anything preventing this case from receiving a vote tonight.

C.Parker confirmed that a 3-4 dwelling unit would require 12 parking spaces but it would not need site review. However, two additional units would require it.

T.Clark does not have an issue with the Conditional Use Permit for reduced parking. He felt that 14 spaces would be sufficient for this space especially if you use the 7 City owned spaces.

K.McEaney confirmed for D.Trefethen that snow removal would be removed if there is not enough space on site for snow.

D.Trefethen and F.Torr commented that they both concur with T.Clark.

L.Skinner commented that the Planning Board is not locked into minimum parking. He would like to see an understanding between the applicant and the Conservation Committee about runoff.

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

1. The Site Plan must be approved.
2. Spaces shall be assigned to units with the number painted on the ground.
3. A formal agreement between the Planning Board and the applicant shall be prepared and recorded at the Strafford County Registry of Deeds.

Motion: D.White motioned to approve the application with conditions. Seconded by F.Torr. Vote: U/A.

D.Ciotti suggested that all units have designated numbered spaces with conditional use permits for parking spaces.

- C. Consideration and acceptance of a Minor Subdivision for Helen Gagnon, Trustee/Gagnon Family Revocable Trust, Assessor's Map C, Lot 39A, zoned R-40, located at 21 French Cross Road. * (3 lots) (P13-19)

C.Plante recused herself. D.Thibodeaux sat in.

K.McEaney represented the applicant and gave an overview. He stated that the applicant is not happy with the location of the current driveway and that they may come back for a second driveway for lot #3.

K.McEaney confirmed for D.Trefethen about lot #1 area known as septic reserve area. A 4,000 sq.ft. area is required by the State and the actual septic system is 1/4 of that size. He discussed the area of the septic, the wetland buffer area, and the location of the proposed house.

Motion: G.Green motioned to accept the application. Seconded by L.Skinner. Vote: U/A.

Public hearing open. Nobody spoke. Public hearing closed.



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STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board approve the subdivision application with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signatures shall be added to the final plat submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plat.
3. The applicant shall revise the plat to add the Planning File number P13-19 to the title block.
4. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Subdivision Permit and add the permit number to the plat.
5. The applicant shall certify that lot 39A-3 complies with the 40% wetland buffer maximum requirement of footnote #3 of the Table of Use and Dimensional Regulations for the R-40 District.
6. The applicant shall revise the plat to show a shared driveway for lots 39A and 39A-3 in order to avoid a wetlands crossing or wetland buffer impact and add a note requiring the shared driveway.
7. The applicant shall prepare an access easement deed in favor of lot 39A-3 for the shared driveway. Said deed shall be reviewed by the Planning Department with consultation by General Legal Counsel on compliance with conditions.

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

8. Per Chapter 170-27.1-D-1-c, the applicant shall install wetland buffer signs at one hundred foot intervals along the 50-foot wetland buffer line. This shall be checked and approved by the Building Official and City Engineer. These signs shall be limited to areas adjacent to building envelope.
9. Any new dwelling unit shall be assessed the current impact fees in place at the time of building permit application.

Other Conditions:

10. All new dwelling units shall be assessed the current water investment fees in place at the time of application for water service.

T.Clark asked if the Planning Director would be willing to collect the impact fee at the time of the occupancy permit.

C.Parker commented that they work individually with the applicants if requested.

D.Trefethen questioned condition #8 and why they are requesting wetland buffer markers. The middle lot is the lot of record.

Discussion ensued regarding wetland boundary markers.

Motion: D.Trefethen motioned to approve with conditions. Seconded by F.Torr. Vote: U/A.

The Chair requested that C.Plante sit in on the next case, and D.Thibodeaux sat out.

- D. Consideration and acceptance of a Conditional Use Permit for reduced parking for South Dover Investment Group, LLC, Assessor's Map K, Lot 37, zoned R-12, located at 35 Dover Point Road. *(P05-63B)

K.McEneaney represented the applicants. Paul Connelly of Civilworks was on hand to answer any questions. K.McEneaney stated that they had previously received a denial for reduced parking. They revised the plan and are



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now at 2 per unit plus 4 visitor spaces. There are 68 spaces, 31 of which are underground. The first floor is aged 55+ and the second and third floors are unrestricted age rental units.

L.Skinner asked for data that people over 55 drive fewer cars.

P.Connelly confirmed there is nothing in the ITP manual that has age generated parking statistics.

Brief Recess. Meeting resumed.

K.McEneaney reviewed the revised plan with Board members.

Motion: K.Schuman motioned to accept the application. F.Torr. Vote: U/A.

Public hearing open. Nobody spoke. Public hearing closed.

D.Ciotti read a letter from an abutter which was received from Marilyn Follansbee.

STAFF RECOMMENDATION:

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

1. A formal agreement between the Planning Board and the applicant shall be prepared and recorded at the Strafford County Registry of Deeds.
2. The owner shall contribute \$8,000 as their fair share of the off-site improvements associated with the signalization of the Thornwood Lane/Dover Point Road/Sheffield Drive intersection, prior to the issuance of a Certificate of Occupancy.
3. The applicant shall provide a sample lease for the 55-plus units documenting that the lessee shall be 55 years or older in age. The applicant shall document that only one parking space shall be reserved for the unit designated for that unit. The applicant shall provide parking space shall be designated on the land.
4. On an annual basis, the property owner shall submit a report documenting the adequacy of parking to the Planning Department.

D.Trefethen questioned the assigned spaces. He feels that everyone should have at least one assigned space.

Board discussion ensued.

P.Connelly and J.Schulte commented on the design of the parking spaces.

G.Green commented that we are helping the developer maximize his parking. He gets nervous about floating parking, which can get abused.

D.Ciotti asked about condition #5. Does that affect age 55 and over?

Motion: F.Torr motioned to approve with conditions and strike #5 from the conditions. Seconded by T.Clark. Vote: 8-1

D.Ciotti commented that this is a condition of the variance given.

L.Skinner asked how the City tracks age restricted units or does it require tracking. L.Skinner withdrew his motion.



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- E. Consideration and acceptance of a Site Review of land for First-Rate Real Estate Group, LLC (Owners: Margaret G. Guy and City of Dover) Assessor's Map 12, Lots 28 & 29, zoned CBD, located at 206 Central Avenue.* (16 units) (P13-20)
- F. Consideration and acceptance of a Conditional Use Application to Permit Ground Floor to be Used for Parking, for First-Rate Real Estate Group, LLC (Owners: Margaret G. Guy and City of Dover) Assessor's Map 12, Lots 28 & 29, zoned CBD, located at 206 Central Avenue.* (16 units) (P13-33)

Items 4E and 4F will be heard at the same time.

F.X. Bruton of Bruton & Berube represented the applicant. Michael J. Keane, Architect, was on hand to answer any questions. The proposed plan is to raise and rebuild the Tuttle Square building. The building currently has 16 units and the new building will have 16 units as well. It will have (8) 2-bedroom units on the Silver Street side, and (8) 1-bedroom units on the Central Avenue side. It will have first floor parking (11 spaces) with the residential units on the upper floor. The first 8 units will get one of the spaces. The building will need 32 spaces, and have provided for 11. They have allowed for 21 spaces to be leased at the parking lot behind the library. There will be one handicap spot in the building, and will assign the spaces to a particular unit. If someone requires a handicap space, another space will relinquish their space. They are aware of one abutter (James G. Craig) who is in support of the application.

K.McEaney discussed the site plan, the proposed building, the lot, the common right of way, and the parcel. He discussed preserving and moving trees that were donated by Dover Main Street to another location within the City either at the Library or Henry Law Park.

K.McEaney confirmed for K.Schuman that overhead utilities would remain. Silver Street is being redesigned and there are no plans to relocate utilities.

C.Plante asked if they have approval to purchase the small park and the plans are very dependent of the purchase of the park.

C.Parker stated that the request to acquire the City owned lot goes to the City Council tomorrow night.

The application has filed an application for an expedited review.

G.Green questioned the ADA statement and does the handicap parking on demand meet the regulations of the ADA.

Discussion regarding ADA required spaces ensued.

L.Skinner commented about the parking at the library and is that allowable.

C.Parker discussed the park on the site where there was previously a junkyard about 15 years ago and was part of the City cleanup and Adopt-A-Spot. The idea of the park was to improve the gateway and this is a huge improvement. The trees that are currently located in the park will be moved and replanted and the granite markers repurposed.

D.White mentioned that during Technical Review Committee meeting, that Tuttle Square added two conditions to the landscaping plans. He asked if the sidewalk was damaged during construction who would pay for the damages.

K.McEaney stated that he did not know the answer but he would discuss with the applicant.

D.White asked if the applicant would give the City the money to reconfigure the sidewalks after the Silver Street reconstruction was done.

D.White confirmed for K.Schuman that there would not be any parking on the southerly side.



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K.McEneaney stated they plan on reutilizing the historic plaque somewhere on the outside of the building and he confirmed for D.Ciotti that demolition would take about 2 weeks and they would do the top two floors by hand to prevent any hazard or damages to neighboring properties. It would be a scheduled event.

Motion: K.Schuman motioned to accept both the Site Review and the Conditional Use applications. Seconded by T.Clark. Vote: U/A.

Public hearing open.

Debbie Budell, who is a direct abutter, spoke about the right of way behind the Tuttle Square building and next to her property. She stated that the right of way is car size and not pedestrian size. She is happy that something nice is coming out of it. She questioned if the parking is inside or outside and wondered about the open air and grate walls. She had questions about the sidewalk destruction, keeping her house safe during demolition and about the door on the side that faces her house. She wants to know who would pay for any damages. She would like to be notified in advance of the demolition.

K.McEneaney discussed striping the road in front of her house. He also stated that with the demo plan there will be areas to store materials as it is removed and it will take approximately 2-3 weeks due to the hand work of demolishing. The back door to the alleyway is a secondary access point.

K.McEneaney confirmed for D.Ciotti that the existing building has a zero setback to the lot line.

K.McEneaney confirmed for K.Schuman that the existing building is 4 stories and the new one is 5 stories to accommodate the parking.

Michael Kean also commented that the new building is approximately 62 feet in height.

T.Clark asked K.McEneaney to address any demo damaging to Ms. Budell's house.

K.McEneaney recommended a pre-demo inspection including bringing a videographer. They would document any damages before and again after.

Chair Ciotti read the letter from Mr. Craig in support of the proposed building.

Public hearing closed.

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board approve the application with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signature shall be added to the final plan set submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plan.
3. The applicant shall add the surveyors and engineer's stamp and signatures to the appropriate sheets.
4. The applicant shall have the Storm water Management Maintenance and Inspection Plan approved by the Community Services Department.
5. The applicant shall submit proof that twenty-one parking spaces have been secured with a long term permit from the City by the applicant for use by the tenants.
6. The applicant shall obtain permission from the City Council for the purchase of the City parcel (map 12, lot 29).
7. The applicant shall amend the plan to show the outdoor lighting fixture locations and design details.
8. The applicant shall prepare a drainage analysis that shall be reviewed and approved by the City Engineer.
9. The applicant shall revise the plan to add fire lane/no parking signs along the driveway.



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10. The applicant shall revise the landscape plan to include:
- Trees shall be a minimum of 4 1/2 inches in diameter, measured four feet above grade.
 - A linear park design along Central Avenue including dogwood trees to be maintained by the property owner.
 - Relocation of the trees dedicated by Dover Main Street within the downtown.
 - That the historic marker associated with the park will be reutilized as will the granite benches, and other suitable landscape elements to be approved by the Planning Director.
11. The developer will coordinate with the City Engineer to incorporate sidewalk improvements identified in the planned reconstruction of Silver Street into the work being completed on this project. This coordination will include timing and reconstruction of the sidewalk and the applicant and City Engineer shall agree to the cost of the sidewalk replacement.

Conditions to Be Met Prior to Any Construction Activity:

12. Hours of construction shall be documented on a site construction sign along with the contact information for the general contractor. Said signage shall be located and approved by the City Engineer or Director of Planning and Community Development.
13. A pre-demolition video survey of 202 Central Avenue shall be completed at the expense of the applicant.

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

14. The applicant shall execute the purchase of the City parcel (map 12, lot 29).
15. The applicant shall supply the agreed upon financial amount for replacement of sidewalks along Central Avenue and Silver Street.

Conditions to Be Met Prior to Issuance of a Certificate of Occupancy:

16. The applicant shall remove the existing trees in Tuttle Square Park and replant them in another park in the City.
17. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

D.Trefethen commented on infill projects in the City and that the Board should start to address some of the concerns that abutters have regarding demolition and with damages.

Motion: F.Torr motioned to approve the application subject to conditions. Seconded by L.Skinner. Vote: U/A.

- F. Consideration and acceptance of a Conditional Use Application to Permit Ground Floor to be Used for Parking, for First-Rate Real Estate Group, LLC (Owners: Margaret G. Guy and City of Dover) Assessor’s Map 12, Lots 28 & 29, zoned CBD, located at 206 Central Avenue.* (16 units) (P13-33)

C.Parker commented that typically staff would not support this request, but this request makes sense.

STAFF RECOMMENDATION:

The Planning Department supports this request because the building design for the first floor does not have the appearance of a parking garage. There is limited on-street parking in the area that would be desirable for commercial on the first floor.

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

1. A formal agreement between the Planning Board and the applicant shall be prepared and recorded at the Strafford County Registry of Deeds.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, June 25, 2013**
Meeting Time: **7:00 pm**

C.Plante is concerned about the 21 parking spots being used up at the McConnell Center as parking is already limited around the Library and the McConnell Center.

C.Parker commented that the Parking Commission authorized that parking be restricted from 6 p.m. to 8 a.m. only.

D.Ciotti commented that the Public Library has 227 designated parking spots and this is the first parking permit issued for the lot.

Motion: F.Torr motioned to approve the application with conditions. Seconded by K.Schuman. Vote: U/A.

- G. Consideration and acceptance of a Citizen's Petition for Zoning Amendments for Varney Brook Holdings, LLC/Changing Places, LLC, c/o Summit Development of 340 Central Avenue, Unit #202, for the Residential-Commercial Mixed Use Overlay District. (P13-31)

C.Parker described the process for a Citizen's Petition. The subsequent hearing would be on July 23, 2013 if the Board chooses to accept the application and move forward with a public hearing.

Chad Kageleiry represented the applicant Varney Brook Holdings, Changing Places, LLC. He gave an overview of the request. He stated that over the past couple of years they have realized that a change in the ordinance would encourage a mixed use on the front of the property. They are looking for an acceptance of the petition to move forward and then move on to City Council.

C.Kageleiry confirmed for D.Trefethen that the ordinance is not for a specific property, but that there are two projects under the RCM and there is another project that would qualify under the RCM District. Changes were discussed with the other property owner at the subcommittee meeting.

D.Ciotti asked how much commercial space was there before and how much will there be after and how much residential space will there be.

C.Parker stated that as discussed at the subcommittee meeting, the percentage of non-residential commercial space is increasing from 40 to 55%, the residential allowance and the yield plan still dictates the density. They don't believe there is any increase in the density, but allows for more flexibility and more improved site plan layout of the actual plan for this property or the other property.

C.Kageleiry stated that there is no commercial, because of the way it is zoned; there is no encouragement to increase the commercial as this is an ETP zone. There has been a shift in the industry which is why he took it back to the Board and reviewed the entire plan.

D.Trefethen stated that the original plan for the space was substantial and he understands the change.

STAFF RECOMMENDATIONS

The Planning Board should allow the applicant to discuss the merits of the application, discuss the zoning amendment proposal and determine if more information is needed. If no further information is required, the Planning Board should discuss posting the amendment and scheduling a public hearing.

Motion: D.Trefethen motioned to post the Citizen's Petition and hold a public hearing on July 23, 2013. Seconded by D.White. Vote: U/A.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, June 25, 2013**
Meeting Time: **7:00 pm**

H. Consideration and acceptance of a Citizen's Petition for Zoning Amendments for Bentley Jesse of 10 Grove Street, for Chapter 170-32, Signs and Fences. (P13-32)

Bentley Jesse read his letter into the record for the reasons he is requesting the Zoning Amendment. His request is in response to an undertaking of active and sudden enforcement by the City Plan Code Enforcement office relating directly to signage as placed by businesses and organizations. He feels that signage is vital in some instances to the very financial survival of many of these entities. In addition, the financial burden of complying with the regulations in regards to fees, insurance, sign construction, purchase and compliance in design and materials would be detrimental to a great number of those affected. He feels the enforcement of the ordinance on July 1, 2013 will be more than hostile to many within the business community of Dover.

T.Clark commented on previous enforcement and this is nothing new.

D.Trefethen commented that he hears from time to time that businesses need help using signage. He stated that the reality is that people should locate their businesses where there is good visibility, foot traffic and vehicular traffic for that reason. Dover has been very careful in creating its sign ordinances, and taking great care to enforce it. There are communities that did not keep up with the sign ordinances. Dover does not want to become one of those communities.

G.Green agrees with Mayor Trefethen. He commented that this is probably the wrong way to go about the issue. He does not support the request for the petition.

Board discussion continued.

Motion: G.Green motioned not to accept the petition. Seconded by L.Skinner. Request denied. Vote: U/A.

5. STAFF COMMENTS:

C.Parker thanked the Board members who attended the climate change conference last week. Moving forward there will be no Planning Board Workshops for the months of July or August.

D.Trefethen commented on the recent length of the agendas and requested is it possible some of those items be moved to the 2nd Tuesday of the month at workshops.

C.Parker commented that items that need a vote are not heard on workshop nights and will consider the length of agendas in the future.

5. COMMITTEE REPORTS – N/A

6. ADJOURNMENT

Motion: K.Schuman motioned to adjourn at 11:48 p.m. Seconded by G.Green. Vote: U/A.