



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, July 23, 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), Dexter Tarbox (Alternate), Catherine Plante (Alternate).

Staff Present: Timothy Corwin (Assistant City Planner), Gail Pare (Recording Secretary)

The Vice Chair called the meeting to order at 7:00 pm.

1. CITIZENS' FORUM

Citizens Forum Open. Nobody spoke. Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- June 25, 2013 Regular Meeting Minutes

Motion: D.Trefethen motioned to approve the June 25, 2013 regular meeting minutes. Seconded by F.Torr. G.Green mentioned an error. Minutes will be amended. Vote: U/A.

3. OLD 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. D.Thibodeaux will be voting.

Motion: F.Torr motioned to remove from the table. Seconded by L.Skinner. Vote: U/A.

Matt Assia represented Chinburg Properties and gave a brief overview of the proposed request. He handed out the revised Impact Fee waiver list with six (6) items, four of which are projects, item B3 is a cash donation and item C3 is a public use easement on the courtyard. There is an aerial view of the Cocheco River and the bridge. Their intent is to provide the full value of the impact fee which is \$64,000. He discussed that this list is an estimated value for the projects. He discussed the courtyard which has a public benefit of public use. He referenced the Dover Arts Market which takes place on Sundays during the summer. The maintenance of the courtyard would remain the sole responsibility of Cocheco Mills Holdings, LLC.

T.Clark asked why they don't just provide the \$64,000 for the work to be done and asked about the funding for the skateboard park.

D.Ciotti asked if this were to be passed onto the City Council would the plan be more detailed. He is sure that City Council would like to see the specifics and asked if there was a maintenance agreement on the park. He would like to see a written agreement. He asked about the restaurant that currently uses the courtyard and would that change.

M.Assia stated that the maintenance plan has not been discussed and the intent is to work with the City on plantings, the courtyard and snow removal. The courtyard easement would be described in detail and have the correct language to do capital improvements requested by the City.

D.Trefethen feels this list is a little more detailed than the last and appreciates it. His suggestion to the Board is if the improvements come in with the lowest amount, they should be required to pay the difference up to the \$64,000.

D.Ciotti asked M.Assia if the work would be done by the applicant's staff.



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M.Assia responded that some of it would be subcontracted out and some with staff. It is their intent to make the investment at \$64,000.

D.Ciotti asked D.Trefethen if he would want additional funding. D.Trefethen stated no, it would go into the General Fund.

G.Green commented back to the November 29, 2011 plan approved with all impact fees. The request relates to Phase 1; he asked what the intention is for Phase 2. He asked if any of the fees would impact Phase 2. M.Assia confirmed that they do not. He asked who owns the connector bridge.

M.Assia responded that Phase 1 is for 74 units. The bridge connects to city owned property and could include some public easement to the bridge.

D.Ciotti asked if the bridge would be available to public access.

L.Skinner commented on the amount of the check (playground figure on chart); commented about the easement to the playground and the easement to the bridge; and asked what the figures mean.

M.Assia stated that there have been no negotiations about the funding yet, and the easements are different.

D.Tarbox asked the Chair if the request could be dismissed without prejudice as he feels the information is lacking.

The Chair stated the board could table it for additional information, or vote it down.

L.Skinner commented that anything agreed is taking money out of the Recreation Department budget and asked whether this had been discussed with the Recreation Director, Gary Bannon. He stated that he would feel better with that confirmation.

G.Green feels he is not ready to make a decision. He suggested that maybe the board could pick a number such as \$15,000 for the value of the easement.

T.Clark recommended tabling. Board discussion ensued regarding the detailed list.

Motion: F.Torr motioned to table the application for a more detailed list. Seconded by T.Clark. Vote: 8-1
(D.Trefethen opposed)

K.Schuman joined the board.

- B.** Consideration and possible vote of a Minor Lot Line Adjustment for Gary & Carol Allen (Owners: Jeffrey & Rebekah Greason), Assessor's Map E, Lots 48B, and 49A, zoned R-40, located at 163 Tolend Road. (P13-17)

Motion: D.Trefethen motioned to remove from the table. Seconded by D.White. Vote: U/A

Chris Berry, with Berry Surveying and Engineering represented the applicant and owners. The application has been amended to add the new owners and signatures.

C.Berry confirmed with D.Trefethen that the new owners would be notified of all the restrictions on the property.

STAFF RECOMMENDATION:

The Planning Board accepted the application on 5/28/13 and voted to table the application. Since that time, the application has been amended to add the new owners and their signatures.

The Planning Department recommends that the Planning Board approve the lot line adjustment plat with the following conditions:



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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 P13-17 to the title block.
4. The applicant shall revise the plat to add a line to depict the western terminus of the public access easement along the Cochecho River.
5. The applicant shall revise the plat by updating the survey date in note #11.
6. The applicant shall revise the plat to recognize the new owners of the lot 48-B.
7. The building permit for improvements to the home shall be issued prior to signing of the final plat.

T.Clark mentioned that he would like to add condition #7 and gave an explanation as to why it should be included.

D.Trefethen stated that there is a history to this property for many years and strongly urges that the new owners be made aware of the restrictions on this property and he hopes that Mr. Berry will remain as the Civil Engineer on this property.

Motion: T.Clark motioned to approve subject to the conditions set forth by staff and to add condition #7. Seconded D.White. Vote: U/A (*D.Tarbox abstained*)

4. NEW BUSINESS

- A. Consideration and possible vote on a Citizen 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) The complete amendment is available in the Planning Department and on the City's website at www.dover.nh.gov.

Motion: F.Torr motioned to remove from the table. Seconded by L.Skinner. Vote: U/A.

Chad Kageleiry reviewed the proposal for the board and discussed the project in detail. He reiterated staff comments and the passing of the zoning change would allow for new development and a new generation of building in Dover.

F.Torr stated that he is not comfortable with the proposed changes and with respect to outdoor display area.

G.Green commented that there are only two zones and possibly a third zone that would be affected.

T.Clark feels that the amendments have a relatively narrow focus.

Discussion ensued regarding an outside display area.

D.Trefethen wanted clarification on the mixed use definition.

T.Corwin explained how the proposed amendments define "mixed use".

Public hearing open. Nobody spoke. Public hearing closed.

D.Trefethen suggested tabling to the August 27, 2013 for a public hearing to be on the safe side and have the agenda be obvious of what is taken place at this meeting.



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D.Ciotti confirmed with C.Kageliery that a poster was not given to him to post on the property. He also confirmed proper notification with G.Pare, recording secretary.

Motion: D.Trefethen made a motion to table to the August 27, 2013 meeting in order to post another public hearing. No second on the motion.

C.Kageileiry stated that this has been posted numerous times. A lengthy discussion ensued regarding proper posting and no asterisk being on the notice and if proper notification was sent out to the public. They are asking for legal opinion.

G.Green stated that he is comfortable with this and that it is going have to go through another public notice and a hearing at the council meeting.

D.Trefethen commented and clarified that the City Council does notice public hearings, but no direct notification to direct abutters. He added that the next meeting for the City Council is August 14, 2013 and referred to a public hearing on September 11, 2013.

Motion: L.Skinner moved to approve with the stipulation that the Planning Department receive legal confirmation that the public hearing held on this request was properly noticed and to then send to the City Council. Seconded by D.Tarbox. Vote: 7 -2 (*F.Torr and D.Trefethen opposed*)

- B.** Consideration and acceptance of a Site Review of land for Formax Paper Processing Solutions, Assessor's Map D, Lot 13-4 & 11-2, zoned I-4, located at 44 Venture Drive. (Proposed building addition of 10,643 sq.ft. and increase of 16 parking spaces). *(P13-34)
- C.** Consideration and acceptance of a Minor Lot Line Adjustment for Formax Paper Processing Solutions, Assessor's Map D, Lot 13-4, zoned I-4, located at 44 Venture Drive. *(P13-35)

Both items will be discussed together and voted on separately.

D.Ciotti recused himself. D.Thibodeaux will be voting.

Christopher Berry of Berry Surveying and Engineering represented Formax Paper Processing Solutions. He supplied the board with a rendering and a floor plan of the building. He stated that they are proposing to add a 10,643 s.f. addition to an existing building. The parking lot will move to the east and provide new parking spaces as required by zoning. He described the existing condition of truck traffic and drainage concerns and stated that there will be no wetlands impact and no conditional use permits are required. The Alteration of Terrain Permit was received by the City on July 23, 2013. He discussed the landscape plan and the decorative retaining wall.

D.Trefethen confirmed that the lot line will be the center of the new driveway and a draft of an easement is in place.

L.Skinner and D.Tarbox inquired about a landscape architect.

C.Berry explained about the industrial park and where in the City, landscaping is critical.

G.Green questioned the amount of increase of the impervious surface.

C.Berry started that he does not have a specific answer; however, they could be looking at 20,000 sq. ft. to 30,000 sq. ft. increase in impervious surface, which is captured by the infiltration system. He discussed the drainage and the impervious surface plan and the walkways.



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Motion: F.Torr motioned to accept both items 4B & C. Seconded by L.Skinner. Vote: U/A.

Public hearing opened. Nobody spoke. Public hearing closed.

K.Schuman mentioned a letter that Mr. Berry submitted by Dan Barufaldi, Economic Development Director in favor of this proposal.

STAFF RECOMMENDATION FOR ITEM 4C, P13-35

The Planning Department recommends that the Planning Board approve the lot line adjustment plat 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.
2. The applicant shall provide the Planning Department with a digital version of the final plat.
3. The applicant shall revise the Planning File number in the title block to P13-35.

Motion: F.Torr motioned to approve with staff recommendations. G. Green seconded. Vote: U/A

STAFF RECOMMENDATION FOR ITEM 4B, P13-34

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 NH Department of Environmental Services Alteration of Terrain Permit number to the plan.
4. The applicant shall provide proof that the EPA Notice of Intent has been filed.
5. The applicant shall amend the plan to remove the existing tree line on sheet #5.
6. The applicant shall amend the plan to remove the existing stone wall on sheets #7 and #8.
7. The approval includes the granting of the two waivers requested for the reasons stated by the applicant and by staff. The Board finds that the criteria of Chapter 149-19-A have been met.

Conditions to Be Met Prior to Any Construction Activity:

8. 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.

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

9. Any new building shall pay the current impact fees in place at the time of building permit application.
10. Any new building shall be assessed the current water/sewer investment fees in place at the time of building permit application.
11. The applicant shall prepare a drainage and access easement deed for review by the Planning Department, with consultation by the City General Legal Counsel for compliance with conditions of approval. Said deed shall be recorded at the Strafford County Registry of Deeds at the expense of the applicant.

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

12. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
13. As-builts to include the existing building and infrastructure.

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

D.Ciotti joined the board.



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- D.** Consideration and acceptance of an application for a one-year extension and Waiver Request to an approved Open Space Subdivision Plan for Schooner Landing, per Chapter 155-24 for Six High Street, LLC, Assessor's Map M, Lot 96A, zoned R-40, located at Back Road. Previously approved on April 10, 2007. *(P06-54A)

John Ratigan of Donahue, Tucker & Ciandella represented the applicant. He entertained any questions that the board may have regarding the request as submitted in the file.

Motion: T.Clark made the motion to accept the application. Seconded by D.White. Vote: U/A

Public hearing open. Nobody spoke. Public hearing closed.

STAFF RECOMMENDATION:

The Planning Department recommends that the waiver request and extension request be approved for one (1) year with the following conditions:

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

1. Any new dwelling unit shall be assessed the current impact fees in place at the time of building permit application.
2. The approval includes the granting of the waiver requested for the reasons stated by staff. The Board finds that the criteria of Chapter 155-51.A have been met.

D.White questioned the timeframe to complete and asked if the letter of credit requirements would be extended.

Discussion ensued regarding the extension and waiver requirement.

T.Corwin confirmed for D.Trefethen that they have one year to complete all lots.

D.Ciotti asked about the Bond and does it expire through completion or a designated time.

D.White stated they hold onto the surety bond and the funds are released once the project is complete if it is complete to city standards.

Motion: F.Torr made the motion to approve with staff recommendations. Seconded by T.Clark. Vote: U/A

- E.** Consideration and acceptance of a Minor Lot Line Adjustment for Peter H. Russell and Sean R. LaFrance, Assessor's Map 39, Lots 93 & 79, zoned B-5, located at New Rochester Road and 11 Old Rochester Road. *(P13-36)

Joel Reynolds, Norway Plains Associates, Inc. represented the applicants. The submitted plans that show the reconfiguration of the lot lines. This would give lot 79 frontage along Hotel Drive and lot 93 includes the roadway itself. He read the project narrative submitted with the application.

Discussion continued regarding the reconfiguration of the lots.

Peter Russell stated that Sean LaFrance has purchased four different parcels and they are just adding one of the four. They are planning a development of that site for commercial use with full access off Hotel Drive.

Motion: G.Green made the motion to accept. Discussion on the motion. Seconded by L.Skinner. Vote: U/A

Public hearing opened. Nobody spoke. Public hearing closed.



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Conditions to Be Met Prior to Signing of Plans:

1. The owner's signatures shall be added to the final plat submitted.
2. The applicant shall provide the Planning Department with a digital version of the final plat.
3. The licensed surveyor's signature shall be added to the final plat submitted.
4. The applicant shall revise the plan to correct the name of the B-5 district to "Gateway" from "Rural Commercial/Retail" (see Dimensional Regulations table).
5. The applicant shall revise the plan to correct all typographical errors.
6. The applicant shall revise the plan to correct the plan note identifying the area to be transferred to read "area to be conveyed *from* tax map 39, lot 93".

Motion: L.Skinner made the motion to approve with staff recommendations. Seconded by G.Green. Vote: U/A

5. STAFF COMMENTS

T.Corwin reiterated no August workshop. He read a letter from Steve Bird, City Planner, about the MIT climate changes project.

Ongoing Gateway Rezoning Study – consultants are finalizing their proposed regulations and staff will meet with them in August. This will hopefully be brought to the Board for review in September.

6. COMMITTEE REPORTS – N/A

D.Ciotti thanked Gail for her time and wished her luck with her new position within the City.

7. ADJOURNMENT

Motion: K.Schuman made the motion to adjourn at 8:59 pm. Seconded by T.Clark. Vote: U/A.