



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, November 12, 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, Catherine Plante (Alternate)

Members Not Present: Michael Weeden, Councilor, Deborah Thibodeaux (Alternate), Dexter Tarbox (Alternate)

Staff Present: Christopher Parker (Planning Director), Diane Britt (Recording Secretary)

The Chair called the meeting to order at 7:03 p.m.

1. CITIZENS' FORUM

Citizens Forum Open.

Debra Bodell, 202 Central Avenue, lives next to the Tuttle Square property and has numerous issues with the work being done currently. Her house and property have sustained damage to the shingles and sheathing on the roof, windows, siding and fence. She also has concerns about contractors parking on sidewalk and blocking view when she is backing out of her driveway and sidewalk is being replaced, causing concerns about snow removal. A compactor is right next to her house and when it is operating things fall off shelves in her house, and her alarm was set off once while she was not at home. She would like assistance protecting her property, wants to know who oversees these projects, and what recourse she has.

Mary Hebbard, 97 Spruce Lane, spoke regarding her issues with contractors and projects going on in the City. She feels there is no accountability for what contractors do and she would like to hear discussion about how to help citizens. Encourages more regulations and rules be considered for development.

Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- October 22, 2013 Regular Meeting Minutes

Motion: K.Schuman made the motion to approve the October 22, 2013 regular meeting minutes. Seconded by F.Torr.
Vote: U/A

3. OLD BUSINESS

- A. Conditional Use Permit for the Residential-Commercial Mixed Use Overlay District for Summit Land Development (Owners: Varney Brook Lands, LLC, Thornwood Commons, LLC, Changing Places, LLC, and Dover Point Road 252, LLC), Assessor's Map K, Lots 19 & 19-1 and Map M, Lots 4, & 4-29 to 4-37, zoned ETP, located at Thornwood Lane. (conceptual site layout for 105 single family, 204 multi-family, and 130,100 square feet of commercial and retail buildings) (P13-53)

This item will be heard 12/17/2013.

4. NEW BUSINESS

- A. Public Hearing on proposed zoning amendments to the Zoning Ordinance (Chapter 170), per NH RSA 675:2 & 675:7, to expand the Central Business District (CBD) along Broadway and portions of Silver Street, Central Avenue north and south of downtown, Locust Street, and Portland Avenue; to amend the CBD regulations; to create a CBD Downtown Gateway sub-district and a CBD Transit Oriented Development sub-district; and to amend the temporary sign regulations for the CBD, Cochecho Waterfront District, B-3 District, and B-5



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District. The full text of the amendments is available in the Planning Department and at www.dover.nh.gov located under City Documents and View Current City Reports.

C.Parker gave an overview of the zoning amendments.

Discussion ensued.

G.Green asked C.Parker what “encourage and discourage” meant in the context of the regulations and stated enforcement was his concern.

C.Parker stated he did not want to be heavy-handed by using the word “shall” in the amendments but in the interest of protecting property rights of owners, abutters and the community, he chose the language, “this is what you *can* do”, but the Board can change that.

L.Skinner stated he and G.Green were on the same page and if the amendments pass as written he asked what the City could do to encourage compliance.

C.Parker stated he was open to new ways to encourage compliance and wanted feedback, and at the next meeting he will have suggestions.

Public Hearing Open.

Geoffrey DiBello, 6 Pearl Street, wanted clarification regarding Amendment #2 and the 0.2 acre strips of land that were zoned B3, medium density residential area and urban density multi-residential area.

C.Parker explained this zoning amendment was done to allow single vs. multiple family dwellings.

G.DiBello pointed out the elbow on map where Pearl Street is and confirmed with C.Parker that, if amendment goes through as is, that area would allow for a single family.

David Hashem, 7 Pearl Street, has owned two businesses on Broadway since 1969 and was concerned about increasing his business if he wanted to do that with the rezoning in that area.

C.Parker stated he would need a variance to expand his business, both today and if amendment passes.

Barbara Visciano, 185 Locust Street, stated she thought if the north end of Locust Street was rezoned for business it would have a negative impact and wants it to be kept residential.

Sara Treacy, 148 Locust St, stated she is disappointed and upset because she feels the City favors business over quality of life of its citizens. She does not think Silver Street should be a “gateway” to the City, and does not think there is room for bus pullouts along Silver Street.

Mary Hebbard, 97 Spruce Lane, expressed her concern that zoning amendments were all about control, the opposite of freedom. She asked who would pay when a four foot high masonry wall was required or for street scapes when they were required due to zoning.

Joseph Pouliot who lives at 1 Rose Street stated he’d like his property included in Gateway rezoning.



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Kathleen Pritchard, 19 Summer Street, asked why CBD is being applied to a residential area (RMU) where mixed use would be allowed on the north side of Central Avenue and Silver Street, and eating establishments would be allowed on one side and not allowed on the other side.

C.Parker stated it is mixed use because there are already offices there, and that he would look into the issue of the eating and drinking establishments.

Adam Trolinate, 14 Monroe Street, asked what was going on between Locust Street and Central Avenue, and at CVS/Care Pharmacy location. He also stated that regarding signs he agrees the Planning Board is trying to keep the town looking nice.

C.Parker stated that a parking lot for the industrial building across the street was going in, and that the owner of the CVS/Care Pharmacy property wants to reuse the property.

The Public Hearing was recessed to 12/17/2013.

C.Parker wanted the Board to know he received an email from Peter Widmark who owns property on Maple Street and would like the Board to look at rezoning his area to CBD/residential, recognizing that there should be more residential uses there. The commercial users have caused him problems as he looks to sell his property and redevelop his property, and he feels maybe this pocket area of town should go to more residential uses.

- B.** Consideration and acceptance of an application for Minor Lot Line Adjustment for Fred Attalla (Owners: Denise Frink Hoyt Revocable Trust & Richard & Eleanor Ford - Ford Family Trust), Assessor's Map 8, Lots 18 & 19, zoned R-20, located at 14 & 16 Leighton Road. (P13-55)

John Chagnon, Ambit Engineering, represented the applicant. He stated this application is a straightforward lot line relocation from the larger lot (14) to the smaller lot in back (16), and the result is 15 feet of frontage on Leighton Road being transferred from 14 to 16 Leighton Road. The intention is not to put in a driveway but to maintain the existing driveway. The lot losing the land conforms to zoning ordinance and the lot receiving the land is just getting larger.

Motion: F.Torr 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 the Planning Board approve the application for the lot line adjustment plat with the following conditions:

Conditions to be met Prior to Signing of the Plans:

1. The owner's signature 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 add the surveyor's stamp and signature to the final plat.
4. The applicant shall revise the plat to add the Planning File number P13-55 to the title block.

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

- C.** Consideration and acceptance of a Minor Lot Line Adjustment for Patrick Murray, Assessor's Map 35, Lots 59 & 59A, zoned R-12, located at 125 Sixth Street. (P13-56)



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Kevin McEneaney, McEneaney Survey Associates, represented the applicant and owner of both parcels. One parcel is an area of approximately 34,000 square feet and has an existing single family house on it at 125 Sixth Street. The adjoining parcel is a vacant lot of approximately 5 acres. The proposal will add approximately 17,000 square feet from the existing single family house lot to the vacant lot, resulting in approximately 16-17 feet of frontage on Sixth Street for the vacant lot. The resulting lot areas meet minimum lot size requirements for frontage. The single family house lot will be approximately 17,000 square feet or about 0.4 acres, and the adjoining vacant lot will be increased to 4.56 acres.

D.White confirmed with C.Parker that there were no setbacks to the garage that would affect this lot becoming smaller, and there were none.

G.Green asked C.Parker if this land meets specifications for building houses.

C.Parker stated the larger lot is nonconforming in frontage; it should have 100 feet, 16 will be added but it will still be nonconforming. There is a provision for reduced side setbacks when frontage is nonconforming, but the lot has plenty of space and this should not be a problem.

G.Green asked if there was a permanent building on the vacant lot now.

K.McEneaney confirmed there was a storage building towards rear of property, but no residential structure on the property.

Motion: F.Torr 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 the Planning Board approve the application for the lot line adjustment plat with the following conditions:

Conditions to be met Prior to Signing of the Plans:

1. The owner's signature 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 add the surveyor's stamp and signature to the final plat.
4. The applicant shall revise the plat to add the Planning File number P13-56 to the title block.

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

- D.** Minor Lot Line Adjustment for CJM Durham, LLC & Fastdogs Realty, LLC, Assessor's Map E, Lots 31, 32 & 32-5, zoned ETP, located at Sixth Street, County Farm Road & 432 Sixth Street. (P13-57)

Dana Lynch, Civilworks, represented the applicant, CJM Durham LLC, who owns lot 32-5 consisting of 10 acres and lot 31 consisting of about 14.23 acres. The second owner is Fastdog Realty LLC represented by Nichols, located at the corner of Sixth Street and County Farm Road. The proposal will adjust the lot line of Lot 32 to a location which is basically central to the wetlands that bifurcate Lot 32-5. The result of the lot line adjustment will be that the Fastdogs Realty LLC Lot 32 will contain 17.25 acres, and the CJM Durham LLC lot will consolidate the remainder of Lot 32-5 with Lot 31 to create a lot which will contain just shy of 19 acres. The three lots will become two lots and both lots will conform to the requirements of the zoning ordinance.



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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 the Planning Board approve the application for the lot line adjustment plat with the following conditions:

Conditions to be met Prior to Signing of the Plans:

1. The owner's signature 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 add the surveyor's stamp and signature to the final plat.
4. The applicant shall revise the plat to add the Planning File number P13-57 to the title block.

D.Ciotti mentioned to the Board that he received a phone call regarding the area of the driveway off County Farm Road which the caller felt has become a bottleneck and there have been several accidents there.

Motion: T.Clark made the motion to approve the application with staff recommendations. Seconded by L.Skinner.
Vote: U/A

- E.** Consideration and acceptance of a Conditional Use Permit for reduced parking for Field & Foster Corp., Assessor's Map 3, Lot 42, zoned CBD, located at 459 Central Avenue. (18 multi-family units) (P13-59)
- F.** Consideration and acceptance of a Site Plan Review for Field & Foster Corp., Assessor's Map 3, lot 42, zoned CBD, located at 459 Central Avenue (change of use from 19 hotel suites to 18 multi-family units) (P13-60)

Both items will be discussed together and voted on separately.

Peter Foster represented the applicant, Field & Foster Corporation, who presently owns the Days Inn. Half of the building will be sold and converted to eighteen dwelling units, three of which will be 2-bedroom living spaces and the remaining fifteen will be open concept single living areas. Currently there are seventeen parking spaces with an additional six, and they have requested parking space on Chapel St with condition of Third Street use in the winter time during parking bans.

G.Green confirmed with P.Foster that there are 17 parking spaces on site and asked why there were not at least 18 spaces on site, one per unit.

P.Foster answered there are 18 parking spaces on the lot line which will be split in half with the new owner, with whom he has a good ongoing relationship to share parking moving forward.

G.Green confirmed with P.Foster that the sale was not consummated yet.

Motion: F.Torr made the motion to accept the applications. Seconded by L.Skinner. Vote: U/A

Public hearing open.



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Mark Foster spoke regarding the parking space situation. He stated between the two properties there has been shared parking all along with the hotel but with the proposed change, he realized he needed more parking off site. He did state that in 30 years he has never been short of parking spaces there. He stated there would be a pool of 23 parking spaces, 16 in the lot off Chapel Street, 1 in the Days Inn lot, and 6 spaces by permit.

Lengthy discussion ensued with the Board discussing that parking for tenants would be on a first come first serve basis, the locations of on street and off site permit parking for the tenants, parking capacity of the City's parking lots, and citizen input regarding available parking on Chapel Street.

C.Parker stated he has been working with the Police and the Parking Commission in order to develop a parking plan for the future for downtown Dover. He stated the questions being debated are for the Parking Commission, not the Planning Board.

K.Schuman stated he felt the Planning Board was dictating business operations, that the applicant should manage parking for his tenants, and that the applicant should provide proof of six parking permits from the Dover Parking Manager.

More discussion ensued.

Public hearing closed.

STAFF RECOMMENDATION (P13-59):

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

Conditions to be met Prior to Signing of the Plans:

1. The Site Plan for the change of use must be approved.
2. The provisions limiting the number of parking spaces based on the type of unit shall be incorporated into the lease agreements signed by each tenant.
3. The applicant shall submit proof that parking permits for six parking spaces have been obtained from the Dover Parking Manager or a private landlord with a five year term.
4. A formal agreement between the Planning Board and the applicant shall be prepared and recorded at the Strafford County Registry of Deeds.

Motion: F.Torr made the motion to approve the application with staff recommendations.

G.Green asked to speak to the motion and stated that he is all for development and is not fighting the waiver for parking, but he wants the Board to think about the citizens going forward. He could not support the motion.

Discussion ensued.

Motion: Seconded by L.Skinner. Vote: 7/1

K.Schuman stated that the Board was delving into dictating business operation plans, and if the applicant is comfortable with their parking plan they should let the applicant manage parking.

Motion: K.Schuman made the motion to accept the application. Seconded by L.Skinner. Vote: U/A



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STAFF RECOMMENDATION (P13-60):

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

Conditions to be met Prior to Signing of the Change of Use Being Approved:

1. The Conditional Use Permit for reduced parking shall be granted.

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

2. Any new dwelling unit shall pay the current impact fees in place at the time of building permit application.
3. Any new dwelling unit shall be assessed the water/sewer investment fees in place at the time of application for service

Motion: K.Schuman made the motion to approve the application with staff recommendations. Seconded by L.Skinner.
Vote: 7/1

5. STAFF COMMENTS

C.Parker gave some updates:

The impact fee that was granted to Cocheco Mill Works will be on the City Council Agenda 11/13/2013 and he will update the Board after that.

The pedestrian and vehicular access study focusing on pedestrian and vehicular conflict points within downtown area is in process. Looking at building the Police facility in the downtown area now allows that to be incorporated into pedestrian vehicular study.

A month ago he asked the Board to allow the Chair to sign a letter asking the state for a \$10K community planning grant, which was used to do the Gateway project. The City was awarded the grant, so the plan is to do a similar process for Knox Marsh Road and Sixth Street and B4 districts, looking at ways to deal with descriptive element or lack thereof that we would like to see in the community.

The next MIT climate change project meeting is on 12/2/2013 hosted by Children's Museum and the 7th Settlement Brewery to be held at the Brew Pub with food being provided. The game and simulation is going really well. Forty people attended the last meeting on 11/7/2013. He encouraged the public and board members to attend.

There is a video for Gateway zoning project running on Channel 22 which gives an overview of that project and process. The next meeting is on 12/17/13 when it will be discussed again.

Thursday November 14 he will be speaking at the Urban Land Institute about form-based code and how it has streamlined and facilitated development.

He will meet with D.White and T.Clark to talk about Ms.Bodell and the damage to her property.

Some discussion by the Board followed regarding enforcement of the conditions and ways to make contractors accountable.



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It was pointed out there were no defined penalties in place. The Chair asked staff to look into any possibility of having a penalty policy brought to the Board for consideration.

6. COMMITTEE REPORTS - NONE

7. ADJOURNMENT

Motion: L.Skinner made the motion to adjourn at 9:40 p.m. Seconded by T.Clark. Vote: U/A