



**CITY OF DOVER**

## DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Tuesday, April 22, 2014**  
Meeting Time: **7:00 pm**

**Members Present:** Dennis Ciotti (Chair), Kirt Schuman (Vice Chair), Tom Clark, Gary Green, Catherine Plante, Lee Skinner, Frank Torr, Dave White, Deb Thibodeaux (Councilor), Christopher Lawrence (Alternate), Gina Cruikshank (Alternate), Maggie Fogarty (Alternate)

**Members Not Present:** William Garrison (Councilor)

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

*The Chair called the meeting to order at 7:02 p.m.*

### 1. CITIZENS' FORUM

*Citizens Forum Opened. Nobody spoke. Citizens Forum Closed.*

### 2. APPROVAL OF THE PRIOR MINUTES

- March 25, 2014 Regular Meeting Minutes

**Motion:** K.Schuman made the motion to approve the minutes. Seconded by F.Torr. Vote: U/A

The Vice Chair announced that an item of Old Business that is related to an approval at the last meeting would be brought up.

C.Parker stated that at the last meeting the Site Plan for Formax was approved. They had a request to have a condition of approval changed. As a condition of approval the floor plan for phase 2 would need to come back before the plan can be signed and that was supposed to be before the building permit could be issued for phase 2. They have the architectural for phase 2 but no floor plan. The applicant's engineer is present for any questions. He asked that the Board change that condition of approval.

**Motion:** *It was unclear who made the motion and seconded it.* Vote: U/A

C.Parker suggested that the Board entertain the next item on the agenda, 3A, at the same time as 4A, the Conditional Use Permit, for the same project, and encouraged the Board to vote on 4A before voting on 3A because, if the Conditional Use Permit is not going to be approved, then the Site Plan will probably need some modifications to it.

### 3. OLD BUSINESS

- A. Consideration and possible vote on a Site Plan Review for South Dover Storage Solutions, LLC, Assessor's Map 15, Lot 62, zoned I-1, located at 68 Rutland Street. (Proposed 34,000 sq. ft. storage facility with 14 parking spaces) (P14-12)

**Motion:** K.Schuman made the motion to remove from the table. Seconded by F.Torr. Vote: U/A



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Kevin McEneaney, McEneaney Survey Associates, stated the site plan has been revised based on the Technical Review Committee (TRC) comments, comments from the last public hearing, and the site walk held on April 3, 2014. He stated he did not have any issues with the conditions of approval.

There was discussion regarding turning radius templates being put on the plan and T.Clark stated he has no issue with the plan as long as the right to have the Fire Chief review and approve the plan can be reserved. K.McEneaney clarified that page 5 (landscape plan) will be revised regarding fencing.

There was discussion regarding a new utility pole being installed close to the road and K.McEneaney stated it would be feasible to use the existing utility pole instead of installing a new one.

There was discussion regarding the lighting plan and K.McEneaney stated revisions to the plan will be made showing that on the south side lights will be attached to the building and one light will be removed.

C.Parker stated lights will be lowered to 10 feet high and this, along with the removal of one light, are included in the conditions of approval.

*Public Hearing Re-opened. Nobody Spoke. Public Hearing Closed.*

### **STAFF RECOMMENDATION**

C.Parker read from the Staff Memo regarding the waiver and stated the Planning Department supports the granting of the waiver. Staff recommends the Planning Board approve the Site Plan with the following conditions:

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

1. The owner's signature shall be added to the final plant 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 surveyor's and engineer's stamps and signatures to the appropriate sheets.
4. The approval includes the granting of the waiver requested for the reasons stated by the applicant and staff. The Board finds that the criteria of Chapter 149-19.A have been met.
5. The applicant shall revise the plan to add a note that requires the security alarm will not be audible.
6. The applicant shall revise sheet #4 to remove one wall mounted light on the south side of the building closest to Rutland Street and reduce the mounting height of the remaining wall mounted lights on that side to ten feet.
7. The applicant shall revise the plan to add a note prohibiting the outside storage of automobiles, trailers, recreational vehicles, etc.
8. The applicant shall revise the plan to add bollards to the legend.
9. The applicant shall revise the plan to require that the water main gates and tee be restrained.
10. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the Community Services Department.
11. The applicant shall provide floor plans for the building and a streetscape plan.
12. The applicant shall revise and update landscape plan to reflect site plan.
13. The applicant shall revise the plan set to reflect 18 parking spaces and label employee/residential spaces.
14. The applicant shall submit approval from the Fire Chief that fire apparatus can navigate the site.



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### Conditions to Be Met Prior to Any Construction Activity:

1. Construction hours shall be limited to Monday-Friday 7 AM-6 PM, Saturday 8 AM-5 PM, with no Sunday hours. 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:

2. Any new use shall pay the current impact fees in place at the time of building permit application.
3. Any new use shall be assessed the current water/sewer investment fee in place at the time of application for water/sewer service.
4. The applicant shall prepared a building demolition and concrete crushing plan addressing methods, timing, duration, and hauling routes. Said plan shall be reviewed and approved by the Fire Department and Police Department.

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

5. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

After discussion, the parking spaces for employee/residential use will be clarified to be three in number, and another condition of approval will be added stating the applicant will investigate the feasibility of combining the utility pole and light pole.

**Motion:** K.Schuman made the motion to approve subject to conditions of the Planning Department. Seconded by C.Plante. Vote: U/A

#### 4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for reduced parking per Chapter 170-44-I for South Dover Storage Solutions, LLC, Assessor's Map 15, Lot 62, zoned I-1, located at 68 Rutland Street. (P14-22)

**Motion:** G.Green made the motion to entertain 4A before 3A. Seconded by L.Skinner. Vote: U/A

Kevin McEaney McEaney Survey Associates, represents the applicants and owners, and he spoke to the Conditional Use Permit. There are approximately 300 units being proposed which would require 30 parking spaces for the use of the storage facility plus an additional two parking spaces for the manager's apartment. He submitted a narrative outlining a study done by a national storage organization that states they would expect about 7 trips per 100 units per day, or approximately 21 trips per day, for this facility. When considering that parking will be for short periods of time for loading and unloading purposes and not everyone will be there at the same time, 32 spaces seems excessive. He stated fourteen spaces are being provided, two for the manager's apartment, and 12 for the storage facility.

Lengthy discussion ensued regarding the number of parking spaces available and placement of the parking spaces, and labeling parking spaces for the manager's apartment. It was determined that there is a total of 18 parking spaces on the property including 4 at the covered loading dock area, 3 off of Rutland Street, and 1 where the dumpster was planned to be, but the dumpster location was changed.

**Motion:** K.Schuman made the motion to accept the application. Seconded by G.Green. Vote: U/A



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*Public Hearing Opened. Nobody Spoke. Public Hearing Closed.*

### **STAFF RECOMMENDATION**

C.Parker read from the Staff Memo. Staff recommends the Planning Board approve the Conditional Use Permit application based on the information provided by the applicant with the following conditions:

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

1. The Site Plan (P14-12) for the property must be approved.
2. A formal agreement between the Planning Board and the applicant shall be prepared and recorded at the Strafford County Registry of Deeds.
3. The plan shall be revised to note that the three parking spaces off Rutland Street are to be signed "Employee/Resident Parking Only".

**Motion:** T.Clark made the motion to approve with staff comments to include designation of three parking spaces for employee/resident. Seconded by G.Green. Vote: U/A

*K.Schuman announced an agenda adjustment - 4H will be heard next.*

### **NEW BUSINESS**

- H.** Consideration and acceptance of a Minor Lot Line Adjustment for Tolend Road Properties, LLC, Assessor's MapCo G, Lots 24J, 24J-143 and 24J-144, zoned R-20, located at Tolend Road, Columbus Avenue and Sandra's Run (P14-18)

K.McEaney, McEaney Survey Associates, Inc., represents the applicant and stated that this is a very simple minor lot line adjustment. A subdivision was approved some years ago and is currently under construction. Two of these lots have houses on them, one has a foundation on it, and one lot is currently vacant, soon to have a foundation on it. The applicant desires to adjust the lot lines so that a limited amount of area is removed, 300 sq. ft from one lot and 500 sq. ft. from the other, and added to the open space. There are only 4 or 5 lots in the entire subdivision that do not back onto open space and, because the lots are quite tight and some of the decks are very close to the rear property lines, rather than impose a buffer on the individual land owners, the applicant decided it would be better to add land to the open space which then would eliminate the possibility of anyone encroaching on another's back yard.

**Motion:** F.Torr made the motion to accept the application. Seconded by D.White. Vote: U/A

*Public Hearing Opened. Nobody Spoke. Public Hearing Closed.*

### **STAFF RECOMMENDATION**

C.Parker stated typically adjustments that affect open space in open space subdivisions are not encouraged or allowed but, in this case, where it is increasing the open space, 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 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 add the Planning File number P14-18 to the final plat.



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

- B.** Impact Fee Waiver Request for Jordan Plante, Assessor's Map A, Lot 53G-1, located at 92 Long Hill Road.

Jordan Plante, the applicant and owner, stated he purchased the property in December of 2013. He is requesting a waiver of the residential impact fee. His plan is to finish what has already been started on the property and establish his personal residence there. He explained this is lot 1 of a 5-lot subdivision that was approved in 1995. The owner at that time cleared the lot, installed a home foundation and driveway, a 4-bedroom septic leach field and an artesian well. The site has yet to be finished. All the elements still exist and it is his intention to use these features. In reading about the impact fee, it states impact fees are assessed on new development. He does not believe his efforts to finish the property constitute new development because of what has already been done on the property. The impact fee ordinance lists a possible waiver. It basically states there is eligibility for a waiver if building is being done in a subdivision that was approved by the Planning Board prior to the Impact Fee Ordinance. The subdivision was approved in 1995 and the impact fee originated in 2002. He stated he has the support of the abutters, Nancy and Gary Gagne, at 86 Long Hill Road, who sent a letter to the Planning Department which stated they would be happy to see this property finished.

G.Green confirmed with the applicant that all other lots have been developed.

C.Parker confirmed with the applicant that he will use the existing foundation for a detached garage because it has been exposed to the weather for many years and is not fit for a home.

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

*Public Hearing Opened. Nobody Spoke. Public Hearing Closed.*

### **STAFF RECOMMENDATION**

C.Parker stated that Staff recommends the applicant be denied the requested waiver. The Impact Fee Ordinance was put in place in 2002 and at that time the waiver provision was covered by RSA 674.39 and it states that impact fees are not grandfathered. The goal of impact fees is to cover new construction. The existing foundation is being used for a garage, not for single family home to be constructed, so not much development has occurred on the site. The impact will be met by the community by the new single family home.

**Motion:** K.Schuman made the motion to deny the waiver request. Seconded by L.Skinner.

G.Green spoke to the motion, stating he was conflicted about this. He doesn't think it is an unreasonable request but will decide with staff.

D.Ciotti confirmed that the development was not typical with houses with frontage on Long Hill Road, and this one lot is in behind the Gagne's house, which has been for sale for many years.

Vote: U/A



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*Brief recess was taken from 7:50 to 7:59 p.m.*

*K.Schuman stated New Business 4C, 4D and 4E would be heard together.*

- C.** Consideration and acceptance of a Conditional Use Permit per Chapter 170-20-B for Joseph Allis, Assessor's Map 23, Lot 13, zoned CBD-G, located at Washington Street. (Relief from 75% building coverage requirement) (P14-13)
- D.** Consideration and acceptance of a Conditional Use Permit per Chapter 170-20-B for Joseph Allis, Assessor's Map 23, Lot 13, zoned CBD-G, located at Washington Street. (Relief from requirement that building be 24 feet from side property lines) (P14-14)
- E.** Consideration and acceptance of a Conditional Use Permit per Chapter 170-20-B for Joseph Allis, Assessor's Map 23, Lot 13, zoned CBD-G, located at Washington Street. (Relief from requirement that 70% of frontage be covered by principal building) (P14-15)

Tobin Farwell, Farwell Engineering Services, LLC, represents the applicant and property owner. He stated they are here to seek input on the Conditional Use Permits being requested. He stated this lot is unique because it is on the Cocheco River. Half of the former Water Street has been abandoned and the center line of the property reverts to the center line of the road, and there still remains an easement on Water Street prohibiting building on that. Also there are steep slopes adjacent to the Cocheco River. Taking that into account, there is a 58% building coverage on the lot, and their plan reflects a 37% building coverage.

H explained that because the lot is so long they cannot meet the requirement of 70% frontage covered by the building. The request for relief from sideline setbacks is because the reverting formerly Water Street to the center line and the easement, they cannot meet the requirement.

C.Parker stated that typically there is a site plan associated with a Conditional Use Permit application. In this case the applicant is looking for feedback and suggestions on the conditional use permits prior to formally submitting a site plan because, if it looks like the Board will not support the conditional use permits, they wanted time to go back and re-engineer the plan and go through the technical review process. He encouraged the Board, if there were elements that they would like to discuss with the applicant, to do a straw vote at the end to give them guidance. The staff recommendation is not to approve or deny the conditional use permits because that would need to be done with a formal site plan.

Discussion ensued regarding height of the proposed building and justification for positioning the building to face the river. Also safety and traffic flow near the building and location of the entrance to the building were discussed.

There was discussion about Water Street and the easement. C.Parker stated that the City Council discontinued Water Street in the past ten years and does not see a desire to create a new public way on Water Street. The easement was placed there to protect utilities underneath the street. If Water Street was activated and was a street still, there would be frontage on Water Street, so there would be no need for the conditional use permit requests for the frontage coverage or the side property line requirement.



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T.Farwell explained that, as a result of meeting with the Technical Review Committee (TRC), it was determined that a street would need to be created for fire and emergency access to the proposed building and it would be two-way, 24 feet wide, out through to Young Street.

There was a suggestion regarding expanding the public riverwalk on both sides along the Cocheco River.

D.Ciotti confirmed with the applicant that there was an entrance to the proposed building on Water Street for downstairs and an entrance off the parking lot behind Smiley's to the upstairs.

T.Farwell stated they are looking for a straw vote if there is any support at all for the conditional use permits. If there is, they will move forward.

C.Parker summarized that the maximum utilization and intensity of the site is desirable, there was no negativity with focusing on the river and that would include some kind of public access riverwalk and recognition of the long term vision of connecting the two sides of the river, and traffic flow needs to be demonstrated that it will fit in with the overall traffic flow of downtown.

L.Skinner stated he has a hesitancy about this plan in that he thinks it is too far out of the mold.

K.Schuman stated he was uncomfortable doing a straw vote on this. He stated he would be more supportive of an eventual design of this project if that building could be massed on what is Water Street and move the parking to where the phase 4 location is. He would like to see a consistent streetscape with sidewalk and curbing, and a compact parking location that is not the main view of the building.

There was discussion regarding the number of parking spaces required for the residential and commercial buildings and off-site parking available in the area.

T.Clark stated he does not have a problem with this request as far as the uses are concerned and thinks it is a reasonable request.

G.Green stated that his concern is traffic flow and if that was addressed it would soften his impression of this project.

D.Ciotti stated he has an issue with over 50% reduction in use, especially in downtown. He feels the easement on Water Street should be looked at and utilities moved, which would open up more room for the project.

L.Skinner stated he is not inclined to support the requests for conditional use permits and he would vote against them tonight, but he does listen to and respect the opinions of the Board members.

**Motion:** T.Clark made the motion to accept the three applications. Seconded by D.Thibodeaux. Vote: 8/1

### *Public Hearing Opened*

Eric Travis, owner of 14 Young Street, stated he came to the meeting tonight with no opinion. In general, as a resident in a 3-unit building in that area, he stated he likes living there and said he is open to development of that lot. He agreed there are complicated traffic patterns there which he experiences every day. He just wanted to introduce himself and let people know what it is like to be a resident there.



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*Public Hearing Tabled*

### **STAFF RECOMMENDATION**

The Planning Department recommends the Planning Board table the Conditional Use Permit applications until a site plan is brought in. He stated he is supportive of giving feedback and the Board could choose to do a straw vote.

**Motion:** D.White made the motion to table. Seconded by G.Green. Vote: U/A

- F.** Consideration and acceptance of a Conditional Use Permit per Chapter 170-20-B(2) for Brian Wills, (Owner: Chinburg Properties), Assessor's Map 23, Lot 14, zoned CBD-G, located at 1 Washington Street. (To operate a brewery) (P14-16)

Brian Wills, applicant, stated he is requesting a Conditional Use Permit to operate a 2-barrel brewery on the first floor of the Washington Street Mill. He believes that the brewery will be of a small enough scale that it will not influence the atmosphere of Dover.

The applicant stated that the brewery is covered by a New Hampshire Nano Brewery license which allows for tastings to be had at the brewery and retail sales. He will be charging for the tastings. There will not be any seats there; it will be standing room only.

Discussion ensued regarding manufacturing not being allowed in the Central Business District (CBD) and the 7 categories of use allowed there. A brewery, which traditionally is understood to manufacture beer with wholesale distribution, would not be allowed and would require a Conditional Use Permit. Granting the Conditional Use Permit will cover the future eventuality that distribution may become larger than retail sales.

**Motion:** D.White made the motion to accept the application. Seconded by K.Schuman. Vote: U/A

*Public Hearing Opened. Nobody Spoke. Public Hearing Closed.*

### **STAFF RECOMMENDATION**

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

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

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

- G.** Consideration and acceptance of a Conditional Use Permit per Section 170-27.1-F for Christopher Berg, (Owner: Graystone Builders Inc.), Assessor's Map M, Lot 105-2, zoned R-40, located at 321 Back Road. (Grading for construction of driveway and garage impacting 89 sq. ft. of 50-foot wetland buffer) (P14-17)

Christopher Berg, the applicant, stated he has a Purchase and Sales Agreement to buy the property and is requesting a Conditional Use Permit to grade away from the driveway into the wetland buffer and install a rain garden in lieu of the currently approved retaining wall at the edge of the driveway. He stated this will improve



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safety around the driveway and garage area and provides better access to the back of the house. The wetland buffer and wetland area is essentially a field which is hayed twice a year. Installation of the rain garden will improve the function and value of the wetland buffer. He stated the Conservation Commission asked him to increase the size of the rain garden.

L.Skinner confirmed with the applicant that Graystone Builders owns the property at this time and he is representing himself as the future owner of this house with an agreement to purchase it. He also confirmed with the applicant that the owner has signed off on this application and was told that a representative from Berry Engineering was at the meeting representing Graystone Builders.

**Motion:** T.Clark made the motion to accept the application. Seconded by C.Plante. Vote: U/A

*Public Hearing Opened. Nobody Spoke. Public Hearing Closed.*

D.Ciotti confirmed with the applicant that he will use a 5:1 ratio for the grade.

### **STAFF RECOMMENDATION**

C.Parker stated the Conservation Commission endorsed the application on 4/14/2014. The Planning Department recommends the Planning Board approve the application with the following conditions:

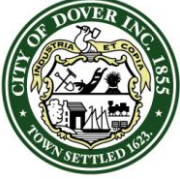
#### **Conditions to Be Met Prior to the Issuance of the Conditional Use Permit:**

The applicant shall revise the plan to extend the proposed rain garden another ten feet to the east along the driveway, for a total wetland buffer impact of 850 square feet.

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

### **5. STAFF COMMENTS**

- C.Parker stated the Downtown Pedestrian/Vehicular Access and Streetscape Study from the 4/21/2014 Workshop is being rebroadcast on Channel 22 and streaming on the Video on Demand site. There are handouts from that meeting on the podium.
- He gave a presentation on the Municipal Budget on 4/16/2014 and it is also being rebroadcast on Channel 22 and streaming on the Video on Demand site. The proposed budget basically is similar to this year's budget. He stated he requested additional funding for a management analyst, which was not supported by the City Manager, as well as funding for Strafford Regional Planning, which also was not endorsed by the City Manager in the proposed budget to the Council. He stated they are keeping level funding on advertising, printing and binding, and postage. The budget is available on line.
- He thanked everyone for coming to the Land Use Meet and Greet Meeting on 4/8/14. He feels it is useful to have all the boards and commissions come together and hear what is going on with other groups.
- On Friday he is going to the American Planning Association National Conference in Atlanta. He will be spending most of Tuesday mentoring new planners who are within two years of graduate school, talking to them about how to get a job and what to expect as they move through the planning field.



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- In June he will be speaking at the New Hampshire Planners Association Meeting on street reconstruction and capital improvement projects in Dover.

### 6. COMMITTEE REPORTS

G.Green stated regular meetings are ongoing. The last regular meeting was on 4/10/14 and there was a special meeting on 4/17/14 for the Sign Committee where representatives from four sign companies were invited to speak on difficulties they have experienced working with the Sign Ordinance, and for insight into new technologies. He stated he is a little concerned about his promise to get it all done in May. He stated procedurally there has been a log jam and he is hoping that will break. There is a vacancy on the committee.

D.Ciotti explained the Dover Main Street representative stepped down and asked to have someone from her office to fill in for her, but he has to appoint someone. It will be two weeks before he appoints someone.

K.Schuman reported on the Parking Calculation Committee, stating there will be an organizational meeting next Thursday afternoon.

F.Torr complimented the Planning Director on the Meet and Greet Meeting and stated he thought it was well done. One interesting point that was brought up regarding Silver Street was a discussion about brick sidewalks which he thought would be a great idea.

### 7. ADJOURNMENT

**Motion:** K.Schuman made the motion to adjourn at 8:55 p.m. Seconded by F.Torr. Vote: U/A