



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, May 27, 2014**
Meeting Time: **7:00 pm**

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

Members Not Present: Maggie Fogarty (Alternate)

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 Open. Nobody spoke. Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- April 8, 2014 Meet and Greet Meeting Minutes
- April 22, 2014 Regular Meeting Minutes

G.Green proposed a change to the April 22, 2014 Meeting Minutes on Page 1, second paragraph.

Motion: K.Schuman made a motion to approve the April 8, 2014 Meeting Minutes and the April 22, 2014 Meeting Minutes as amended. Seconded by F.Torr. Vote: U/A

3. OLD BUSINESS – NONE

4. NEW BUSINESS

C.Parker asked T.Corwin to give an overview of the extraction permit process and the goal.

T.Corwin explained that Article 8 of the Zoning Ordinance regulates extraction permits and requires yearly permits to be obtained by commercial gravel pits. There are currently three active gravel pits and their excavation and reclamation plans and applications are complete. This year there is one less application to review since Mast Road Sand & Gravel did not submit a permit renewal application this year. On April 30, T.Corwin and T.Clark toured the gravel pits. No neighborhood meeting regarding the operation of the Mast Road gravel pits was held as no abutters attended last year and no abutters attended the public hearing. Should the need arise in the future, the neighborhood meeting will be held.

T.Corwin noted that for items 4B and 4C the applicant has requested waivers. The first waiver is for Section 170-30.3.A.5) Excavation Plan - The location of existing buildings, structures, septic systems and wells within 200 feet. The second waiver is for Section 170-30.3.A.6) The location of existing public streets, driveways, intersections, rights of way and all easements within 200 feet, the road network to be affected and intended transportation routes to be used. The third waiver is for Section 170-30.3.B.6) Reclamation Plan - Schedule of final reclamation activities including seeding mixtures, cover vegetation, fertilizer types and application rates.

C.Parker recommended hearing each application separately and voting on each individually.



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- A. Public hearing and consideration of a request for an extraction permit for Brox Industries, Inc., Assessor's Map C, Lots 12-A, 13, 14, zoned R-40, located on Rochester Neck Road/Tolend Road. (P14-19)

Public Hearing Opened

David Clough, Plant Manager, Brox Industries, Inc., stated he prepared and submitted the plans.

Public Hearing Closed

STAFF RECOMMENDATION

The Planning Department recommends the Planning Board approve the extraction permit request with the following conditions:

1. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance written permission from the City's Environmental Projects Manager (Mr. Dean Peschel).

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

Public Hearing Reopened. Nobody Spoke. Public Hearing Closed.

Motion: K.Schuman made a motion to approve with staff conditions. Seconded by C.Plante. Vote: U/A

- B. Public hearing and consideration of a request for an extraction permit for Severino Trucking Co., Inc., Assessor's Map H, Lot 58, zoned I-4, located on Mast Road. (P14-20)

Motion: K.Schuman made a motion to accept the application. Seconded by T.Clark. Vote: U/A

Public hearing opened.

Kevin McEneaney, McEneaney Survey Associates, Inc., represented the applicant. There were no questions for him.

Public hearing closed.

STAFF RECOMMENDATION

The Planning Department recommends the Planning Board approve the extraction permit request with the following conditions:

1. Hours of operation shall be restricted to 7:00 AM to 5:00 PM weekdays and 7:00 AM to 2:00 PM on Saturdays, with gates to the site opening no earlier than 6:30 AM.
2. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance written permission from the City's Environmental Projects Manager (Mr. Dean Peschel).
3. Continue regular access roadway water wash-downs, to include updating and submitting the schedule of same to the Planning Department by June 12, 2014.



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4. The approval includes the granting of the waivers requested for the reasons stated by the applicant. The Board finds that the criteria of Chapter 170-30.1 have been met.

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

- C. Public hearing and consideration of a request for an extraction permit and waiver request by Severino Trucking Co., Inc., Assessor's Map H, Lots 59, 59-1 & 61, zoned I-4, located on Mast Road. (P14-21)

Motion: K.Schuman made a motion to accept the application. Seconded by T.Clark. Vote: U/A

Public Hearing Open. Nobody Spoke. Public Hearing Closed.

STAFF RECOMMENDATION

The Planning Department recommends the Planning Board approve the extraction permit request with the following conditions:

1. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance written permission from the City's Environmental Projects Manager (Mr. Dean Peschel).
2. Continue regular access roadway water wash-downs, to include updating and submitting the schedule of same to the Planning Department by June 12, 2014.
3. The approval includes the granting of the waivers requested for the reasons stated by the applicant. The Board finds that the criteria of Chapter 170-30.1 have been met.

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

F.Torr commented that for several years it has been discussed to extend the process out to go 2-3 years. He stated he felt the process worked smoothly and the applicants have been in compliance with the requirements. He thinks it is time to make the move to extend the time period.

Discussion ensued about switching to a two year approval. Staff will review and suggest a zoning amendment in FY15.

Vote: U/A

- D. Consideration and acceptance of a Minor Lot Line Adjustment for Changing Places, LLC (Owner: Lisa O'Grady & Maloney Family Revocable Trust of 2012), Assessor's Map 20, Lots 112A & 113, zoned R-12, located at 100 & 104 Court Street. *(P14-24)

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

Public Hearing Open

Kevin McEaney, McEaney Survey Associates, Inc., represented the applicant and stated he would speak to both items 4D and 4E because they are related. He explained the minor lot line adjustment would transfer



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4,392 sq. ft. from lot 113 to lot 112A and an access easement 11 ft. wide and 100 ft. long would be granted to lot 112A. The minor subdivision is a simple three lot subdivision and all three lots would meet the minimum lot size requirement for the R-12 zone. This project went before the Zoning Board of Adjustment twice, first on 3/20/2014 for approval to divide the existing lot into three lots, and then again on 5/15/2014 for approval for the two proposed homes to be positioned 27 ft. from the front lot line. He stated there is a written agreement between Lisa O’Grady, owner of lot 112A, and the developer.

L.Skinner requested more details about the easement.

K.McEaney explained that a retaining wall and a garden do not allow for access to the back of lot 112A and, because the homeowner occasionally needs to get a vehicle to the back of her property, an easement was created.

Discussion ensued regarding the easement is to remain grass, it cannot be paved or made into a driveway, nothing will be built at the back of lot 112A, and no curb cut will be done for this easement if a sidewalk is installed in the future.

Further discussion ensued regarding shared driveways, side-loading and front-loading garages, and five driveways in a 250 foot stretch of road.

Public Hearing Closed.

STAFF RECOMMENDATION

The Planning Department recommends the Planning Board approve the Minor Lot Line Adjustment with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owners’ 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 14-24 to the plat.
4. The applicant shall identify the 11 ft. x 100 ft. easement as a “pedestrian and vehicular access easement,” and shall provide a reference to the recorded easement deed to the Planning Department.
5. The applicant shall note the front setback for the 100 Court Street lot on the final plat.
6. If a sidewalk is installed on Court Street, no curb cut shall be provided for the access easement.

Motion: C.Plante made a motion to approve with stipulations. Seconded by B.Garrison. Vote: U/A

- E. Consideration and acceptance of a Minor Subdivision for Changing Places, LLC (Owner: Maloney Family Revocable Trust of 2012), Assessor’s Map 20, Lot 113, zoned R-12, located at 104 Court Street. (1 lot subdivided into 3 lots) (P14-25)

Motion: K.Schuman made a motion to accept the application. Seconded by B.Garrison. Vote: U/A

Public hearing open. Nobody Spoke. Public Hearing Closed.

T.Clark asked if the Planning Board is locking in the side setbacks at 15 ft. by approving this request on these nonconforming lots.



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K.McEneaney stated because of the variance granted by the ZBA which created the nonconformity, the 15 ft. setback applies.

D.White pointed out that the plan shows a build to line at 48 ft., but it will be at 27 ft.

C.Parker stated that one of the conditions of approval would be the 27 ft. build to line.

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 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 a note containing information on the variance granted on 5/15/14.
4. The applicant shall revise the plat to add the Planning File number P14-25 to the title block.
5. The applicant shall revise the plat to show the front build to line of 27 ft. approved by the ZBA on 5/15/14 for the two new lots. For the original lot, the applicant shall revise the plat to show a front build to line of 48 ft.
6. The applicant shall revise the final plat to include Common Subdivision Plan Notes 9 and 16.
7. The applicant shall revise the plat to identify Lot 1 as Map 20, Lot 113-1, and Lot 3 as Map 20, Lot 113-2.
8. The Lot Line Adjustment Plan approved in #P14-24 shall be recorded prior to the recording of the final plat.
9. The applicant shall record the agreement relating to this subdivision made by and between Changing Places, LLC and Lisa O'Grady. The agreement shall be noted on the final plat.
10. The applicant shall submit a landscape plan, locating the trees agreed to in the agreement with Lisa O'Grady.
11. The applicant shall amend plan note 18 to include the ZBA conditions of approval for the variance granted on 3/20/14 that: "the existing single family dwelling remain a single family dwelling and that the applicant submits an application for and obtains approval of a boundary line adjustment with the abutting property at 100 Court Street (Tax Map 20, Lot 112A) approximately as shown on the revised plan submitted at the [ZBA] hearing."
12. The applicant shall revise the plan to show driveway locations.

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

13. All new dwelling units shall be assessed the current impact fees in place at the time of building permit application.
14. All new dwelling units shall be assessed the current water and sewer investment fees in place at the time of application for water and sewer service.

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

15. The applicant shall install the landscaping prior to the issuance of the first Certificate of Occupancy for any new dwelling unit.

Motion: F.Torr made a motion to approve subject to Planning Department conditions. Seconded by L.Skinner. Vote U/A

5. STAFF COMMENTS



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C.Parker reminded the Board that workshops will resume on 6/10/2014.

He stated the idea of putting Google Map together with property boundaries was T.Corwin's idea. They implemented the idea tonight and it worked well.

He stated the Planning Department is seeing an uptick in the quality and quantity of applications.

On 6/5/2014 Steve Bird, the City Planner, will be recognized by the New Hampshire Planning Association as the professional planner of year by the state.

C.Plante asked C.Parker if the CDBG issue was ever resolved. C.Parker stated the money was rolled into the Dover Economic Loan Program and this was approved by the City Council. He explained the amount was not enough to divide it up and be of any benefit.

G.Green stated for two years in a row a month after approving the CDBG funding, the Board found out they had more a different amount to work with. He wondered if next year they could wait a couple weeks for the final figure. C.Parker suggested that Board members reach out to the congressional delegation, asking them to approve the federal budget earlier.

6. COMMITTEE REPORTS

G.Green gave an update on the Sign Committee. They have had ten meetings with one special meeting with sign companies being invited which was open to the public. The focus of the committee has been to remove subjectivity wherever possible to ease the burden on staff and to make the ordinance more workable. The most time has been spent on the mill motif and he is hoping to have a final revision approved at the next meeting. He stated T.Clark continues to look into illumination of signs and measurements for this. A form was created for nonprofits and civic organizations to use for temporary signs. The Sign Committee received clarification from the City Attorney that political and election signs should be grouped together. Consensus was that no flashing signs would be allowed and there is support for electronic pricing signs. They are investigating electronic message boards with strict limitations where signs with parameters could only be changed by a factory technician. He stated anything that the Sign Committee recommends will be enforcement neutral. They have received many comments from the public. There is still a vacancy on the committee but they have had a quorum at each meeting.

K.Schuman stated the Parking Calculation Committee has met twice. He explained that this committee is designed to review parking regulations as it relates to new development, and they are looking at how the Planning Department reviews applications for parking requirements for residential and commercial construction. They have looked at peer communities to see how they calculate their formulas and they hope to simplify how calculations happen today. He expects that by mid summer all the proposed changes will be brought back to the Planning Board.

7. ADJOURNMENT

Motion: K.Schuman made a motion to adjourn at 8:16 p.m. Seconded by G.Green. Vote: U/A