



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, September 23, 2014**
Meeting Time: **7:00 pm**

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

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

The Chair began meeting at 7:04 p.m.

1. CITIZENS' FORUM

Citizens Forum Open

Anthony McManus, 39 Glen Hill Road, encouraged the Planning Board to recommend to the City Council to do away with the Gateway Zoning District, adopt the proposed Heritage District, and include in the Heritage District both sides of Central Avenue from at least Trakey Street to Silver Street to keep Dover's history intact.

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- August 26, 2014 Regular Meeting Minutes

Motion: K.Schuman made a motion to approve the August 26, 2014 Regular Meeting Minutes. Seconded by F.Torr. Vote: U/A

3. OLD BUSINESS

- A. Consideration and possible vote on a Conditional Use Permit for Adam, Jade & Sheryl Fogg, Assessor's Map L, Lot 13, zoned R-20, located at 25 Nute Road. Replace existing house and garage with new house and garage in a single structure. Total permanent impact to the Conservation District is 3,900 sq. ft. *(P14-23)

Motion: K.Schuman made a motion to remove item 3A from the table. Seconded by F.Torr. Vote: U/A

Scott Hogan, Land Use Attorney, briefly reiterated this project. The proposal is to remove the existing home and a separate garage and construct a single structure that would include both the residence and the garage. They were granted a side setback variance by the Zoning Board on June 19, 2014. They worked with both the Conservation Commission and the Planning Board over July and August to improve stormwater management and the landscape design. The Shoreland Permit from the State was obtained and they got the endorsement of the Conservation Commission. They are now waiting for the State Wetlands Permit which should be received with a several days.

D.Ciotti wanted to know if there would be gutters on the house that would feed the rain garden or if there would be natural flow to the rain garden.



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Atty. Hogan read from the original letter that accompanied Tobin Farwell's drainage plan, which stated that there would be a 24 inch deep drip edge detail to maximize runoff volume and allow maximum amount of time to infiltrate into soils, the site does not channelize flow and the proposed changes will not channelize flow.

Public Hearing Open. Nobody Spoke. Public Hearing Closed.

C.Parker stated that this application was reviewed and endorsed by the Conservation Commission on September 8, 2014 after a site walk in August.

STAFF RECOMMENDATION

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

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

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Wetlands Permit.

L.Skinner wanted to know, since the Shoreland Impact Permit was issued on August 21, 2014, if any of these changes since then could potentially have an impact on this permit so that it should be reissued.

C.Parker stated there has been minimal impact and the changes were improvements to the project.

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

The Vice Chair announced that items 3B, 3C, 3D and 3E would be heard together.

- B. Consideration and possible vote on a Conditional Use Permit per Chapter 170-20-B for The Housing Partnership, (Owner: Roman Catholic Bishop of Manchester, NH), Assessor's Map 27, Lots 2, 3, 4 & 15, zoned CBD-General, located at 577 Central Avenue. (Relief from 75% building coverage requirement and from requirement that the building be 24 feet or less from side property line). *(P14-32)
- C. Consideration and possible vote on a Conditional Use Permit for reduced parking per Chapter 170-44-I for The Housing Partnership, (Owner: Roman Catholic Bishop of Manchester, NH), Assessor's Map 27, Lots 2, 3, 4 & 15, zoned CBD-General, located at 577 Central Avenue. *(P14-33)
- D. Consideration and possible vote on a Conditional Use Permit per 170-20-B for The Housing Partnership, (Owner: Roman Catholic Bishop of Manchester, NH), Assessor's Map 27, Lots 2, 3, 4 & 15, zoned CBD-General, located at 577 Central Avenue. (Relief from prohibition of residential on first floor). *(P14-51)
- E. Consideration and possible vote on a Site Plan for The Housing Partnership, (Owner: Roman Catholic Bishop of Manchester, NH), Assessor's Map 27, Lots 2, 3, 4 & 15, zoned CBD-General, located at 577 Central Avenue. (One mixed use 5-story building (60,918 sq. ft.) with 41 residential



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units and 14,018 sq. ft. of commercial space and one 21,170 sq. ft. 2-story building with 6 residential units). *(P14-34)

Motion: K.Schuman made a motion to remove items 3B, 3C, 3D and 3E from the table. Seconded by F.Torr. Vote: U/A

John Chagnon, Ambit Engineering, spoke about the concerns that were addressed at the site walk on September 11, 2014. He stated a change was made to the plan to address the neighbors' concerns. He referred to his letter dated September 17, 2014 which clarified the parking calculations for the project and addressed their request for limited use of the first floor for residential units. He said also with him tonight were Attorney Christopher Wyskiel, Marty Chapman and Jack Pedusi of The Housing Partnership, and Mike Lassel, Architect.

Public Hearing Reopened

Joseph Covert, 25 Reyners Brook Drive, stated he was here on behalf of the Parish of the Assumption, and he referred to the letter which they submitted to the Board. He gave details regarding the reasons for the sale of the St. Charles property. He stated the Bishop of Manchester is very supportive of this project and they love the idea that workforce housing will be made available to people who need it.

C.Plante confirmed with J.Chagnon that the site plan should show a 4-story building, not a 5-story building. It was noted that it is a condition of approval to amend the site plan to show this.

T.Clark asked for justification as to why they cannot comply with the regulation to have non-residential use on the first floor.

J.Chagnon stated it was believed that the space would not be commercially viable because it is too far from the street. He said their biggest concern was complying with the ordinance regarding character-based zoning, and the character of that section of the property fits into the neighborhood better being residential.

T.Clark asked if there was any consideration to have that space used as accessory to the principle use.

M.Lassel, Architect, stated the first floor has quite a bit of space up against the grade where there would be mechanical rooms and laundry rooms, and it would not be a good location for office use or other types of uses.

G.Green stated he thinks small businesses could be located there and he questions making it residential in a business district. He said he has made some early morning trips to the area and observed that there were more cars parked at Woodbury Mills than during the late afternoon site walk.

M.Chapman stated that The Housing Partnership accepts Section 8 vouchers from tenants and that they all go through a criminal background check, credit check and a landlord check. He stated that a fair number of seniors receive rent assistance with Section 8 vouchers and also individuals with disabilities.

F.Torr asked if underground parking was considered for this project.



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M.Lassel stated the entire site is ledge and he explained that this site was large enough to provide ample parking inside the site.

There was discussion regarding parking, the assumption that the daycare would obtain financing and move in there, and what would happen if other retail shops ended up going in there. Also discussed were traffic patterns at different times of day with different types of businesses and the number of arrivals at peak hours.

C.Parker stated he asked the peer review to look at that same question with the caveat that if it is a vastly different user than initially proposed the project would be brought back for a compliance hearing.

D.Ciotti asked about the process with the New Hampshire Division of Historical Resources regarding commemorative installations at the St. Charles property.

M.Chapman stated the letter from DHR has not been received yet but once it is The Housing Partnership will solicit input from the public by holding a public meeting.

C.Parker stated this letter would not hold up the project and that a condition of approval could be that the applicant shall supply a copy of the DHR letter relative to the demolition and comply with the memo prior to the plan being signed, and that would give them 90 days to comply.

M.Chapman stated he thinks anything commemorative would be more informational rather than something that would change or affect the submitted plans.

D.Ciotti asked about the property remaining on the tax rolls after development and if there was any intention to sell it off.

M.Chapman stated that the housing piece of the property will be owned by a limited partnership which is a for-profit and would be subject to taxes, and The Housing Partnership, which is a non-profit, would be a minority partner in the project.

D.Ciotti expressed his concern that if the entire commercial side of the property were sold to a non property tax-paying entity, it would then not pay taxes.

C.Parker asked M.Chapman if there was any change to The Housing Partnership's plan to not condominiumize and sell the first floor but instead to lease to potentially a non-profit.

M.Chapman stated they are trying to keep their options open from a financing perspective as to whether they condominiumize or whether they own the entire property and lease. He said they have not come to a decision yet and are working it through from a feasibility point of view what is best for the property.

L.Skinner asked for justification for the 40% lot coverage for this project.



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C.Parker explained that the current regulations were created in 2010 and since then there have been some projects that have complied and others that have not. He said they worked with the applicant on this project to get the lot coverage up to 40%. He was told by staff that they would continue to fight parking requirements with lot coverage. He stated a zoning amendment might be needed looking at the 75% lot coverage being too high or parking should count towards some of that.

K.Schuman stated that 75% lot coverage was effective in getting applicants to propose more than just 2-story buildings.

W.Garrison stated the CUP for the first floor residential units in the back is his concern, but he is fine with the other Conditional Use Permits. He was concerned about setting a precedent if this is approved.

Discussion ensued regarding agreements between applicants and the Planning Board, the three CUPs, various uses for the first floor, parking, and that in general proposals should conform to the law. Also discussed were possible protections to mandate property taxes on a structure and that the Planning Board should not get into types of ownership.

L.Skinner stated the number of units is driving the problems that the Board is wrestling with.

C.Parker spoke about the three residential units on the first floor and no height restriction in this zone, what the density allows, parking, and the waiver for impervious sidewalks in certain areas, the petition signed by people who do not want to see St. Charles Church demolished, property rights, and that the Planning Board is going through the appropriate process to find the balance.

D.Ciotti commented that in the past with an open space subdivision a builder was asked to supply the Board with two sets of plans: one showing what the project would look like if it was built according to the rules, and the other showing what it would look like as an open space subdivision. He stated there would be no parking if this project was built with 75% lot coverage. The Board needs to decide what they feel is right and what is right for the City.

There was discussion that regulations are being considered when evaluating these requests, mixed use higher density use is being looked at here, are the requirements for the CBD out of line, and that this is a housing proposal in a business district.

C.Parker explained that the Master Plan includes people living downtown, there should be mixed use so that business opportunities are not restricted, and that 74% of the community is predominantly zoned single family residential.

C.Plante commented that the Conditional Use Permit for parking would provide only half of what is required, and stated the vote comes down to does this building fit in with the neighborhood.

C.Parker went over the parking plan to clarify it so that everyone would be on the same page. Discussion ensued that on-street parking would be utilized for this site as well as on the property and there would be permit parking if needed.



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J.Chagnon went over the changes made to the proposal, stating that the project design was worked into the zoning so that it would comply but they also kept the project as commercial as possible while being efficient architecturally.

F.Torr stated he was uncomfortable about this project before the traffic peer review and felt that it might set a precedent if the Board approved it. He said he also had issues with sight distance, egress, and the left hand turn.

M.Lassel stated the three first floor residential units could be moved to the third floor.

C.Parker explained that if there was a modification to item D as mentioned above, it could be an amendment to the plan because it would not materially change the site plan. It would probably come back for a compliance hearing before the building permit was issued.

W.Garrison stated he tends to lean towards moving the residential units to the third floor and then more office space could be on the first floor. He said he likes the plan and the project, but the first floor was a concern for him.

The Chair submitted the petition to be entered into the record.

C.Parker summarized the 3-page letter from Mike Wilson who lives at the Sawyer Mill apartment complex, who requested that the Board consider the tax credit program that is being used to finance this project, and its implications.

M.Chapman stated he was not sure that the low income housing tax credit program requires them to accept Section 8 tenants by law but The Housing Partnership would never discriminate in that regard.

C.Parker went on to explain that the writer stated there was a requirement by law to accept Section 8 housing, a federal program where a private landowner can accept subsidized funds to meet the market rate rent. Regarding parking, the writer expressed concern about the amount of parking for multi-family housing in Dover such as Bellamy Mill, Redden Gardens, Rutland Manor, Westgate Village and Addison Place, etc. The writer stated that The Housing Partnership missed the August 31, 2014 deadline for the New Hampshire Housing Finance Authority funding and that is something the Board should not be concerned about.

M.Chapman stated they met that deadline.

STAFF RECOMMENDATION (P14-32):

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

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

1. The Site Plan (P14-34) 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.

D.Ciotti stated the vote is for the lot coverage and side setback only.



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Motion: K.Schuman made a motion to approve item 3B subject to staff recommendations. Seconded by D.White. 7/2 – PASSES

STAFF RECOMMENDATION (P14-33):

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

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

1. The Site Plan (P14-34) for the property must be approved.
2. The applicant shall agree that none of the vehicles used for the businesses occupying the non-residential portion of the building will park on the lot overnight.
3. A formal agreement between the Planning Board and the applicant shall be prepared and recorded at the Strafford County Registry of Deeds.

L.Skinner commented that will be interesting to see what happens with parking during the winter.

D.Ciotti asked if there was a plan for overnight parking of business vehicles.

C.Parker stated if a commercial tenant requires overnight parking, they can secure it within 10000 feet for overnight parking.

Motion: W.Garrison made a motion to approve item 3C subject to staff recommendations. Seconded by K.Schuman. Vote: 5/4 – PASSES

STAFF RECOMMENDATION (P14-51):

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

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

1. Site Plan (P14-34) 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.

Motion: K.Schuman made a motion to deny item 3D. Seconded by G.Green.

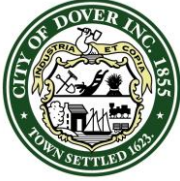
Discussion ensued regarding approving the CUP for residential on the first floor of the Park Street building only.

Motion: K.Schuman amended the motion to approve item 3D for first floor residential in the Park Street building only.

G.Green withdrew his second.

C.Parker suggested adding a third condition of approval that the Central Avenue building would not have residential on the first floor.

K.Schuman requested that the new condition be #1.



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C.Parker read the conditions of approval as amended.

W.Garrison seconded. Vote: 8/1 - PASSES

D.Ciotti stated for item 3E the waivers for the requirement for porous sidewalks and the requirement to document the investigation of pervious parking lots would be discussed.

G.Green stated pervious pavement could be used on almost any lot, he has not heard a good reason why the waiver should be granted, and he would like to hear about the investigation of pervious parking lots.

J.Chagnon explained that stormwater would infiltrate in the same manner as with porous pavement, but it would collect into a specific infiltration area. He said the sidewalks would be in the shade and for the safety of the residents they would like to have a surface that can be sanded.

G.Green explained what was done to put through the regulation for porous pavement.

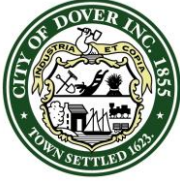
D.White said the drainage system looked good but he needed more details. They are not asking for a waiver for porous pavement, just a waiver for providing investigation for the use of porous pavement, and a waiver for the sidewalk, not the drive. He said they are installing pavers which allow some water infiltration.

STAFF RECOMMENDATION (P14-34):

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 approval includes the granting of the waivers requested for the reasons stated by the applicant and staff. The Board finds that the criteria of Chapter 149-19.A have been met.
4. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the Community Services Department.
5. The applicant shall have the Drainage Analysis reviewed and approved by the City Engineer.
6. The applicant shall complete a Lot Merger Form and have it recorded at the Strafford County Registry of Deeds.
7. The applicant shall revise the Fiscal Impact Analysis based on the most recent development plan.
8. The applicant shall pay for the peer review of the traffic analysis conducted by a traffic consultant chosen by the City, the cost of which is \$1,000.
9. A development agreement between the Planning Board and the applicant shall be prepared and recorded at the Strafford County Registry of Deeds. The agreement shall include the following items:
 - a. The conditions of approval.
 - b. A tax guarantee for the phase II building to be located on Park Street, if said building is not completed within 5 years. The value of the guarantee shall be negotiated with the Director of Planning and Community Development.
 - c. All requirements for the conditional use permits.
 - d. Any traffic improvements suggested as part of the traffic analysis peer review.



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10. The applicant shall revise the plan to change 5 story to 4 story on all sheets.
11. The applicant shall revise the plan to add a note requiring that snow will be removed from the site if necessary.
12. The applicant shall supply a copy of DHR leeter relative to the demolition of the structure.
13. The site plan shall be updated to remove the residential units from the first floor of the Central Avenue building.

Conditions to Be Met Prior to Any Construction Activity:

14. 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:

15. Any new building shall pay the current impact fees in place at the time of building permit application, with credit given for the existing building.
16. Any new building shall be assessed the current water/sewer investment fees in place at the time of application for water/sewer service.

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

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

C.Plante stated this project will change the character of the City. She said she was concerned that it would be dangerous because it is a massive building situated right on the street, obscuring sight lines.

Motion: D.White made a motion to approve item 3E subject to staff comment. Seconded by K.Schuman.

G.Green said he was very concerned about egress and the left turn. He suggested some configuration changes.

L.Skinner stated it will be with reluctance that he votes in favor of this project. He thinks it will look like the building at the corner of Central Avenue and Silver Street. The pros for this project are not overwhelming and his approval vote is anything but enthusiastic.

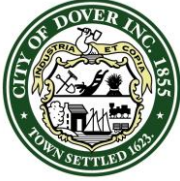
Vote: 5/4 – PASSES

The Chair asked to suspend the rules and have 4E and 4F heard next. A 5-minute recess was taken.

4. NEW BUSINESS

Motion: K.Schuman made a motion to adjust the Agenda to hear items 4E, 4F and then 4A into the rest of the sequence. Seconded by T.Clark. Vote: U/A

- E. Consideration and acceptance of a Minor Lot Line Adjustment for Denis & Denise Couturier and Wilbur & Shirley Drew, Assessor's Map F, Lots 8 & 8-D, zoned R-40, located at 292 Tolend Road. (*P14-59)



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Kevin McEaney, McEaney Survey Associates, represented the owners and applicants and explained that the Drew parcel was the larger lot with 11 acres. The Couturiers wish to put an addition on their house, a garage, and because the house is close to the rear lot line, it requires a lot line adjustment. There will be a land swap of equal area involving 3,848 sq. ft. There are no zoning issues and all setbacks will be met with the addition of the garage.

D.Ciotti wanted to know how far the shed was from the lot line and if it was remaining.

K.McEaney stated the shed was in excess of the 10 ft. required with the new property line and was to remain.

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

Public Hearing Open. Nobody spoke. Public Hearing Closed.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board accept the application, hold the public hearing, and approve the lot line adjustment plat 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 revise the plat to add the Planning File number P14-59 to the title block.

Motion: K.Schuman made a motion to approve item 4E subject to staff recommendations. Seconded by D.White. Vote: U/A

- F. Consideration and acceptance of a Minor Subdivision for Richard and Stephanie Lund, Assessor's Map J, Lot 13, zoned R-40, located at 38 Piscataqua Road (1 lot subdivided into 2). *(P14-60)

Kevin McEaney, McEaney Survey Associates, represented the applicants. He explained that this was a very simple minor 2-lot subdivision. The total parcel area is 5.75 acres and the proposal is to make two lots – one being 2.75 acres which contains the existing Lund home and create a new lot being 3.00 acres which will be accessed by an existing 18 ft. right of way. Because of the sight distance in that area it is desirable to place the driveway in the area of the 18 ft. right of way. Both lots will be serviced by individual septic systems and wells, and state subdivision approval has been applied for.

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

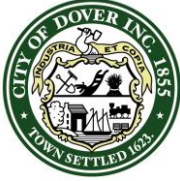
Public Hearing Open. Nobody spoke. Public Hearing Closed.

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board approve the Minor Subdivision with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owners' signatures shall be added to the final plat set submitted for signature.



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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 surveyor's and certified wetland scientist's stamps and signatures to the plat.
4. The applicant shall revise the plat to add the Planning File number P14-60 to the title block.
5. 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.
6. The applicant shall revise the plat to add a note that the house constructed on the new lot will comply with NFPA-1 (NH Fire Code) or provide a sprinkler system for the house.

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

7. All new dwelling units shall be assessed the current impact fees in place at the time of building permit application.

G.Green asked what the purpose of the easement was.

K.McEaney stated the easement was where the driveway was going to be located. The sight distance is better in that location than where the frontage on the new lot would be. He stated the shed was slightly within the edge of the right of way. It was an existing easement that was retained by the prior owner. When this lot was subdivided in the 1970s they retained that easement. They created those two lots, one of which is where the shed is located. They sold those lots off subsequently but retained the right of way for access for this purpose, anticipating they would subdivide at some future date.

D.Ciotti confirmed with T.Clark that a shed is existing so it is allowed in the access easement.

C.Plante asked if a propose tank was allowed in an access easement.

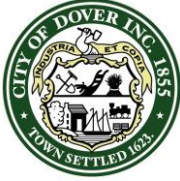
C.Parker stated it is a private issue between the person who put the deed together for the easement and the recipient of the easement. The easement is 18 ft. wide, so a 12 ft. wide driveway could be put there as long as it is 5 ft. off the property line and they meet NFPA-1.

Motion: F.Torr made a motion to approve subject to the conditions set forth by the Planning Department. Seconded by D.White. Vote: U/A

- A. Consideration and possible posting of Zoning ordinance amendments for the Heritage Residential District.

C.Parker stated the Downtown Gateway District in the past included Silver Street, but Silver Street residents said they wanted to be their own district. That grew into the Heritage Residential District.

T.Corwin stated this project came before the Planning board last on June 10, 2014. There were two outstanding issues, the first was determination of the front setback for new construction and the second was determination of architectural standards. He discussed the goals of the project and what the proposal is and is not. He presented a map of the final proposed district, the purpose statement, the table of use, and the architectural design guidelines. He pointed out that deviations from the dimensional requirements will be allowed by conditional use permit. He explained how the front setback was determined and that a range is being proposed. He stated the proposal for new construction multi-family residential is that it will retain the



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appearance of a single family dwelling and also new construction must meet 10 of the 26 architectural standards. A variance would be required for any use not in the table of uses.

K.Schuman stated there are many examples of duplexes in that area and he thought the single family appearance for new construction would be in direct conflict with the existing condition in the neighborhood. He was also concerned that designing parking to avoid backing out of driveways will detract from the streetscape.

C.Plante asked about farm animals being allowed in the district.

T.Corwin explained that when the proposal was presented to the neighborhood no one raised any concerns.

C.Plante asked why adult day care was allowed but child care was not allowed.

T.Corwin stated that each use was discussed at the meetings. The consensus was that adult day care was an appropriate use for the neighborhood. Child care facilities are not permitted by right and will now have to go to the Planning Board for a conditional use permit.

C.Parker stated the consensus drove this. People recognized the need for adult day care due to the aging population, but felt that a larger child care facility would require more of a site plan process and they did not want to see that larger process without a conditional use permit. Staff asks that if the board is comfortable moving this forward, they should move to post the regulations. Notice would be posted in numerous spots and public hearings would be held on October 14 and October 28 to solicit public input. Prior to Thanksgiving a vote would be taken and then this would be sent to the City Council.

K.Schuman asked about the extent and budget for the notification.

C.Parker stated this has been budgeted for, and property owners and renters would receive notices in the district and within 100 feet of the district.

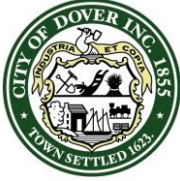
L.Skinner stated, regarding the sign ordinance, it is filled with recommendations which are not very clear. He wanted to know if the Dover Historic Preservation Guide which applicants for new construction will be referred to for examples of architecture and design would have specific requirements.

C.Parker stated the Guide is accurate with photos to be used for inspiration and he stated the language will be looked at.

Motion: F.Torr made a motion to post the amendment to Chapter 170. Seconded by K.Schuman. Vote: U/A

The Vice Chair stated that items 4B, 4C and 4D would be heard together and will be voted on separately.

- B. Consideration and acceptance of a Conditional Use Permit for the Storage Barn, LLC (Owner: Jeff and Diane Weeden), Assessor's Map D, Lots 15 & 16, zoned B-4, located at 389 Sixth Street. Proposal is for self storage warehouse units, driveways & site grading that impact the 50-foot wetlands buffer. *(P14-27)



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
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- C. Consideration and acceptance of a Conditional Use Permit for reduced parking per Chapter 170-44-I for the Storage Barn, LLC (Owner: Jeff & Diane Weeden), Assessor's Map D, Lots 15 & 16, zoned B-4, located at 389 Sixth Street. Proposal is for 57 parking spaces where 125 are required. *(P14-28)
- D. Consideration and acceptance of a Site Plan Review for Mark Phillips & The Storage Barn, LLC, (Owners: Diane & Jeff Weeden & The Storage Barn, LLC), Assessor's Map D, Lots 15 & 16, zoned B-4, located at 385 & 387 Sixth St. (140,000 sq. ft. of warehouse in 17 structures & 2,400 sq. ft. office & apartment). *(P14-31)

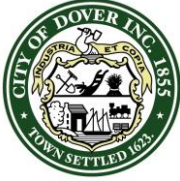
C.Parker stated this is under new business because this is the actual site plan for the project.

M.Phillips passed out color renderings showing porous and standard pavement areas and also the streetscape plan to board members.

Jonathan Ring, Jones and Beach Engineers, stated he was here with Mark Phillips and Jessica Smith of The Storage Barn, LLC, and Jeff Hyland, Ironwood Design Group, landscape architect. He explained that the current plan reflects the changes requested by the TRC and the engineering comments. The property for The Storage Barn is 26.28 acres, and the TDR parcel is 5.16 acres at the back of the property. There are 17 self storage buildings proposed in four phases which will be 500 ft. back from Sixth Street. He spoke about their proposal for porous pavement on the right and standard pavement on the left side due to heavy traffic, and he stated 60% of the total pavement for the site is for storing stormwater and providing treatment. He said two wet ponds and a bioretention rain garden system are proposed which will control stormwater, remove pollutants and protect downstream resources and provide better treatment than pervious pavement. The New Hampshire DES Alteration of Terrain Permit which is under review at this time. He spoke about changes to the proposal which include moving building A to reduce the amount of 50 ft. wetland buffer, minimized the amount of pavement next to building C to 24 ft. which has reduced the wetland buffer impact to 7,382 sq. ft. He spoke about locations for parking, traffic flow and signage. He spoke about the Conditional Use Permits and that they met with the Conservation Commission who endorsed the application with conditions which they agree with, and he spoke about the waivers they are requesting.

J.Hyland, Ironwood Design Group, spoke about the streetscape and referred to the renderings which were given to the board. He pointed out evergreen plantings, foundation plantings and trees. He went over the landscape plan and stated all regulations have been met. He stated they have reviewed all the landscape regulations and have met the intent of those regulations.

J.Ring addressed the conditional use permit for parking and the waivers requested, and the reasons for these requests at length. He referred to a letter with attached traffic impact analysis and assessment document and the Greenland Meadows impact development case study. They anticipate 1,200 storage units on site at full build with a maximum of 36 tenant vehicles per day. He explained due to the high water table on the western side of the property, porous pavement cannot be used, and standard pavement will be used in the travel areas. He said there will be five times as much pervious pavement on the site as there are vehicle storage areas. Interconnecting access to the left side at the rear is precluded due to the grade elevation.



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Discussion ensued regarding if the center driveway is sufficiently wide enough to accommodate vehicles that are parked on either side as well as a large truck driving through, and that long term vehicle storage would be in a storage unit.

T.Clark commented that they are asking for a waiver from the traffic impact analysis, a waiver for reduced parking, and also a waiver for pervious materials because of traffic, and he said it does not meet the regulations.

M.Phillips stated vehicle storage areas are required to be pervious pavement, but they are asking that the travel areas be impervious because of traffic and trucks going through. He stated they have done what they could to meet the regulations.

C.Parker suggested that the applicant could do a cross-section of the 40 ft. area and possibly there should be a fire lane along the buildings so that parking would be in the center.

There was clarification that the main center aisle between two buildings is 40 ft. wide. When there is a building on one side the aisle is 24 ft. wide.

Further discussion ensued regarding parking and traffic, that vehicles would not be unattended, that the main access road would have an occasional tractor trailer traveling on it, and the need for five lanes.

L.Skinner stated he thought this was much ado about nothing. He said he had no problem with the center aisle being used for parking.

M.Phillips stated someone will be on site at all times, and tenants will be given instructions.

There was discussion regarding the snow storage locations on the site and that a review of this is not finished yet.

T.Clark confirmed with J.Ring that he has run the T-1 template through the site and fire lane signs will be added to the outside edges.

C.Plante confirmed with J.Ring that a sign will be put on Sixth Street at some point in the future.

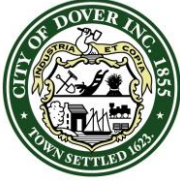
Motion: W.Garrison made a motion to accept items 4B, 4C and 4D. Seconded by F.Torr. Vote: U/A

Public Hearing Open. Nobody Spoke. Public Hearing Closed.

M.Phillips asked the Chair to suspend the rules and keep the public hearing open during deliberations.

D.Ciotti stated the public hearing is for abutters and anyone who wishes to speak. He saw no reason to keep the public hearing open when there was no one here to speak.

C.Parker stated he applauds the applicant's collaboration with the Planning Board and the Conservation Commission.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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STAFF RECOMMENDATION (P14-27):

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

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

1. The wetlands and wetland buffers shall be marked in the field prior to any earth disturbance activities.
2. The erosion and sediment control features shall be placed as close to the work areas as possible.

Motion: F.Torr made a motion to approve item 4B subject to conditions set forth by the Planning Department. Seconded by K.Schuman.

K.Schuman asked if this wetland buffer would be subject to the signage used in the past.

C.Parker stated it would and a third condition could be added.

Discussion ensued regarding the language of the condition.

C.Parker stated the third condition could read: "The applicant shall install wetland buffer signs once per 50 linear ft. along the wetland buffer."

There was discussion regarding if there was any functional value to posting these signs, if the area was going to be mowed or not, and if the Conservation Commission gave permission to mow.

J.Ring stated M.Phillips said the area was not going to be mowed.

Vote: 8-1 – PASSES

STAFF RECOMMENDATION (P14-28):

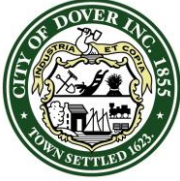
The Planning Department recommends the Planning Board approve the Conditional Use Permit with the following conditions:

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

1. The Site Plan (P14-31) 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.

Motion: F.Torr made a motion to approve item 4C subject to conditions set forth by the Planning Department. Seconded by K.Schuman. Vote: U/A

C.Parker stated regarding item 4D that Staff has no problem with this waiver request. He suggested that as a condition of approval any future development on the front lots, lot 1 and 2, would have to take into account the traffic generated by the storage unit users so that it would not be considered just background but would be calculated as part of a future traffic analysis. There was no issue with the waiver regarding connectivity. The waiver for porous pavement is a problem. It is huge and eclipses the impact of the other waivers. He suggested tabling this item after the board gives some guidance whether the board supports it or not. He thinks there are other ways to do this project.



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Discussion ensued regarding how the drainage system would work and if it was sufficient.

C.Parker stated he misspoke and stated that it is 4 acres of pavement that is being proposed, 60,000 porous, 110,000 impervious.

J.Ring explained in more detail that there will be 2.5 acres of standard pavement on the site and 1.35 acres of pervious pavement.

M.Phillips stated that the four buildings on the left will be either climate-controlled buildings or two story buildings which will require a full foundation and they should not have pervious pavement next to them.

K.Schuman stated he would like to see that other side all porous pavement.

C.Plante wanted to know what was preventing the applicant from doing what is required.

M.Phillips spoke about what might be considered politically correct today could be bad science tomorrow and gave examples of what he meant. He stated it is the cost, science, principle, and physical construction that prevents him from putting in pervious pavement.

G.Green stated he will support the Planning Department and the Director's suggestions.

C.Parker reviewed the work that has been done to address the issues and stated that the project is moving forward. He suggested giving feedback, tabling to resolve the waiver for pervious materials, or taking a straw vote.

J.Ring asked for clarification regarding the difference between a vehicle storage area and a travelled way.

C.Parker explained this difference. He stated he could work with the applicant and the city engineer to find a proposal that works.

Motion: G.Green made a motion to table item 4D to have discussions to resolve the waiver for pervious materials.

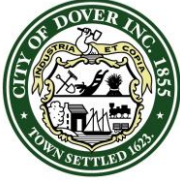
There was discussion regarding various sites in the Seacoast area that have used porous pavement and how to use porous pavement successfully.

M.Phillips spoke about Liberty Mutual and how they handled drainage differently there.

D.Ciotti stated the land underneath the porous parking lot there was different than the soil on Sixth Street.

L.Skinner stated he was on the subcommittee that dealt with pervious pavement. He said there are alternative means to deal with runoff and that is the reason porous pavement has been waived in the past. The same justification applies here that there are alternative means of dealing with runoff. He stated he does not see a great degree of value in pursuing the pervious pavement issue.

D.White stated there are still issues with the drainage.



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C.Parker stated the proposal cannot be approved without conditions of approval tonight.

D.White stated he thought this would be tabled so he could continue his review of the drainage. He stated the board needs to decide if they support the waiver or not. He does not want to bias the board with his opinion.

Seconded by D.White.

Vote: 7/2 - PASSES

L.Skinner stated if there were two motions, one for tabling for all of the other reasons, he would have voted for that, but combined with the pervious pavement, he voted no.

There was discussion that this item could not come back to the Planning Board in October because there was not enough time for the engineers to revise the plans. Further discussion ensued regarding the motion and the intent of the board.

C.Parker clarified that he was hoping the board would give some direction to the applicant regarding whether the waiver would be granted or not if this was up for approval tonight.

D.Ciotti stated the tabling was for the project as a whole and the vote was to say no to the non-porous pavement, and the applicant could come up with a viable alternative before now and the next meeting. The board was not saying no 100% to porous pavement.

W.Garrison would like to reconsider the vote with the same motion. Seconded by F.Torr. Vote: 6/3

W.Garrison stated he was not opposed to non-pervious pavement and gave his reasons for that. He does not want to vote that he is against a waiver for pervious.

C.Parker stated that it appeared to him that no one is against the amount of porous that has been proposed tonight. The applicant is asking for 1 acre more of impervious than allowed by the regulations. He wants to know what the board thinks would make sense regarding the mixture of porous and non-porous. He thinks the board would like to see more porous than is being proposed today.

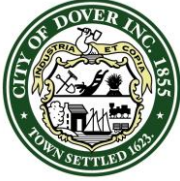
K.Schuman said the applicant should do whatever they can within their power to meet the regulations. He thinks they should maximize porous or give a compelling reason why they cannot do that.

G.Green stated he is uncomfortable with voting on this because there is not a solid drainage plan without porous pavement.

M.Phillips wanted to speak but the Chair told him he could not.

T.Clark asked if the rules could be suspended because he wanted to hear what M.Phillips had to say.

D.Ciotti said a motion would be needed to do that. His understanding was clear that the board did not like the amount of non-porous pavement in the proposal and there were other issues to resolve.



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T.Clark stated the motion was not to deny the waiver request.

D.Ciotti stated it was not to deny the waiver request, it was to say the plan could be better.

Motion: T.Clark made a motion to allow M.Phillips to speak. Seconded by F.Torr. Vote: 6/3

M.Phillips asked if anything the board approves would be subject to an Alteration of Terrain permit from the state who oversees drainage and, if the state approves it, wouldn't it pass muster by the City Engineer?

D.White said no.

There was discussion regarding the wording of the motion.

Motion: K.Schuman made a motion to table to provide time for the applicant and staff to work out remaining issues and encourage the applicant to modify their proposal to more fully meet the regulation regarding the porous pavement calculations. Seconded by G.Green. Vote: 7/2 - PASSES

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

5. STAFF COMMENTS

C.Parker reminded the board that there will be a Joint Meeting of the City Council and the Planning Board on Wednesday, October 1, 2014 at 7:00 p.m. at the McConnell Center in Room 305, on the Capital Improvements Program. He asked the board members to think about who they would like to have at the meeting on October 14, 2014 to explain their projects further so the PB can give direction to the City and School staff.

He stated that this is D.Britt's last Planning Board meeting because she will be leaving as of October 2, 2014 to move to Florida.

6. MEMBER COMMENTS

K.Schuman stated the Parking Committee will be meeting next on September 25, 2014.

G.Green stated that due to current internet connection problems he could not confirm the date of the next meeting of the Sign Committee, but it is either October 7 or October 9, 2014. T.Clark stated he thought it would be important to have Eric Roy attend the next meeting. G.Green stated he did speak with E.Roy and told him to at least get in touch with T.Clark if he cannot attend the meeting.

7. ADJOURNMENT

Motion: K.Schuman made a motion to adjourn at 12:04 p.m. Seconded by T.Clark. Vote: U/A