



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall, 288 Central Avenue
Meeting Date: **Tuesday, January 13, 2015**
Meeting Time: **7:00 pm**

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

Members Not Present: William Garrison (Councilor)

Staff Present: Christopher Parker, Planning Director, Tracy Smith (Recording Secretary)

The Chair called the meeting to order at 7:04 p.m.

1. ELECTION OF OFFICERS

Motion: F.Torr made a motion to nominate Dennis Ciotti as Planning Board Chair. Seconded by T.Clark.
Vote: U/A

Motion: L.Skinner made a motion to nominate K.Schuman as Planning Board Vice Chair. Seconded by T.Clark.
Vote: U/A

The Board voted by secret ballot. The votes were tallied and the results were announced by C.Parker. D.Ciotti was elected as Chair and K.Schuman was elected as Vice Chair.

2. CITIZENS' FORUM

Citizens Forum Open. Nobody Spoke. Citizens Forum Closed

3. APPROVAL OF THE PRIOR MINUTES

- December 9, 2014 Regular Meeting Minutes.

Motion: C.Plante made a motion to approve the December 9, 2014 Regular Meeting Minutes. Seconded by F.Torr.
Vote: U/A

4. OLD BUSINESS

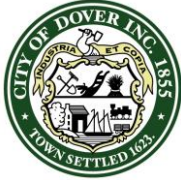
- A. Consideration and possible vote on a Conditional Use Permit for reduced parking per Chapter 170-44-I for STF Development, Assessor's Map K, Lots 37 & 38, zoned R-12, located at 35 Dover Point Road. (P14-66)

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board remove the application from the table and allow the applicant to present the revised plans and explain how the plan has changed since the site walk. The public hearing should be opened to allow for abutter input.

The Planning Department is not prepared to recommend a final decision at this point.

- B. Consideration and possible vote of a Site Plan Review for STF Development, Assessor's Map K, Lots 37 & 38, zoned R-12, located at Sheffield Drive & 35 Dover Point Rd. (Proposed 6,000 sq. ft. mixed use



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Meeting Time: **7:00 pm**

building with 10 residential units on second & third floor with 18 single family townhouse units with associated parking) (P14-61)

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board remove the application from the table and allow the applicant to present the revised plans and explain how the plan has changed since the site walk. The public hearing should be opened to allow for abutter input.

The Planning Department is not prepared to recommend a final decision at this point.

Motion: K.Schuman made a motion to remove items 4 A & B from the table. Seconded by D.White. Vote: U/A

Christopher Berry, Berry Surveying & Engineering represented the applicants. He presented changes to the existing plans originally presented to the Board in October 2014. He stated the plans proposed in the video from the previous meeting were accurate. Further analysis was given regarding the costs and effects of storm water drainage. The plans have changed to having the units face Sheffield Drive instead of facing a courtyard that was initially proposed. The parking is better utilized this way. The units 1-10 are being moved forward. The garage units have also been moved to the front of the site. They are creating more green space in the center of the site with a rain garden and landscaping. The 6,000 sq. ft. commercial site has been moved forward with the side parking to remain the same. There is pedestrian access from the back and front of the site. The parking is to be a shared lot with mixed residential and commercial use. There is a current reduction of 17 spaces from the original plan. The 18 units will have the garage units, therefore this makes up the amount of spaces that are short. C.Berry stated the peak parking will not effect this site because during those events, the commercial space would be empty. A current map of the lot with the proposed changes was given, as well as, a revised drainage analysis and a traffic impact analysis to the Board members for review. Watercolors paintings were submitted as well to show the proposed landscaping.

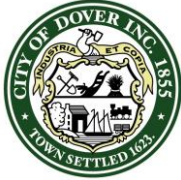
C. Plante confirmed with C. Berry that the building will be at 25 ft. from Dover Point Road. The building will not be any closer to the street, and there would be enough landscaping to make the building visually appealing.

Discussion ensued on the ratio of parking and the percentages pertaining to the population, and how this could affect future businesses. C.Berry stated he could supply a parking analysis to determine the amount of parking needed during the day, and he clarified that the amount of parking they are requesting is the exact number of spaces the units would have in their garage. C.Berry further stated that in regards to future retail space, these businesses would need to submit their applications with the Zoning Board of Adjustment for review for that time. D.Thibodeaux clarified with C.Berry that these are one car garages.

Discussion ensued regarding the drainage and the possible impact for creating traffic and street problems. C.Berry stated that for storm system and for the storm wall drain systems, the City requires a detailed inspection before, as well as, post construction to ensure this is put together properly, which needs approval by the City Engineer.

D.Ciotti confirmed with C.Berry that the tenants would all use the one dumpster, which is picked up on a weekly basis.

Public Hearing Open.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall, 288 Central Avenue
Meeting Date: **Tuesday, January 13, 2015**
Meeting Time: **7:00 pm**

Marilyn Follansbee, 25 Dover Point Road objected to the plan stating residential zoning should not be allowed for business. There are openings in other locations in Dover for businesses. She further added her concern about the drainage stating Village Drive is next to her property, and when it rains there is a stream in front of her driveway. She added that people are stating they do not come out anymore because they feel they are not heard, and the issue has already been decided.

D.Ciotti tabled the public hearing.

C.Parker stated he wanted to encourage people to come and voice their concerns, and recommended the application be tabled to the next meeting.

Public Hearing Closed.

Motion: K.Schuman made a motion to table items 4 A & B. Seconded by D.White. Vote: U/A

5. NEW BUSINESS

- A. Consideration and acceptance of a Minor Lot Line Adjustment for STF Development, Assessor's Map K, Lots 37 & 38, zoned R-12, located at Sheffield Drive and 35 Dover Point Road. *(P14-74A)

Christopher Berry, Berry Surveying & Engineering represented the applicants. He presented changes to the existing plans originally presented to the Board in October 2014. C.Berry stated the original plan was to keep the townhouses separate from the commercial building. Originally, this was done for banking reasons. The project has moved forward, and now the banking institutions want to see the structures that are to face Sheffield Drive be on one financial plan. The remaining site would have one financial plan also. This conforms to zoning and the structures if approved.

L.Skinner confirmed with C.Berry that the new lot line would run between the two buildings.

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

Public Hearing Open.

Marilyn Follansbee, 25 Dover Point Road, wanted to thank the Board for the work that they do realizing they cannot please everyone; however, she is not for businesses in residential zones.

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' signature shall be added to the final plat submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plat.
3. The applicant shall revise the plat to correct the Planning File number P14-74-A in the title block.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers – City Hall, 288 Central Avenue
Meeting Date:	Tuesday, January 13, 2015
Meeting Time:	7:00 pm

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

- B. Consideration and acceptance of a Conditional Use Permit for Greg Vallee, Assessor’s Map 8, Lot 46B, zoned R-20, located at 27 Wentworth Terrace. Proposal is to reconstruct 92 linear feet of a stone retaining wall in Conservation District adjacent to Piscataqua River. * (P14-85)

C.Parker stated the application has received endorsement from the Conservation Commission to replace the 92 ft. wall.

Chris Albert from Jones & Beach Engineers represented the applicant. The project was reviewed by the Conservation Commission on December 8, 2014. The Commission had three comments on the revised plan. A dewatering system and a dewatering silt sock detail. The key component the Commission is requesting is the need for 10 ft. offset stakes in the tidal area to ensure the wall gets built. Currently, the wall has basketball size rocks with timbers settling into the water system. The high tide reaches the bases of the rocks. The proposed wall is to have larger 2 ½ ft. rocks for the base. Pictures were provided for the Board’s review.

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

Public Hearing Open. Nobody Spoke. Public Hearing Closed.

STAFF RECOMMENDATION:

The Planning Department recommends that 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 insure that erosion control using best management practices is used during construction.
2. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Wetlands Permit.
3. The applicant shall provide the Community Service Department with a copy of the as-built after the work is completed. An as-built shall be posted prior to work beginning and returned after the submission of the as-built.

Motion: T.Clark made the motion to approve subject to staff recommendations. Seconded by CPlante. Vote: U/A

- C. Consideration and acceptance of a Minor Subdivision of land for Richard and Abigail Lundborn, Assessor’s Map G, Lot 12, zoned R-12, located at 340 Washington Street. (1 new lot) *(P15-06)

Richard Lundborn presented his application to the Board stating they occupy the house on Washington Street. The lot goes back all the way to Gina Way. They want to build an additional home for their in-laws, and they would access the property via Gina Way. The property is landlocked for easement on Gina Way with roughly 33 1/3 ft. of frontage that is provided on Gina Way. He stated he is willing to complete the easement. The property has also been flagged for wetlands with a creek that runs along Washington Street. There are existing easements with a 19 1/2 ft. extension for Gina Way. There is also a 12 inch sewer main that cuts across the property on Washington Street. He added that they already have a sewer system on their property rather than the septic system used on Gina Way, and they want to tap into this sewer system for their addition.

L.Skinner confirmed with R.Lundborn where the lot line is, and the frontage is on Gina Way.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall, 288 Central Avenue
Meeting Date: **Tuesday, January 13, 2015**
Meeting Time: **7:00 pm**

D.Ciotti confirmed with R.Lundborn that they will use the back of the lot to attach the sewer line on Washington Street to the new lot.

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 that the Planning Board approve the Minor Subdivision 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 surveyor's stamp and signature to the plat.
4. The applicant shall revise the plat to add the Planning File number P15-06 to the title block.
5. The applicant shall revise the plat to add the 50-foot wetlands buffer line on the proposed vacant lot.
6. The applicant shall revise the plat by correcting note #8-D to add the build to number instead of the front setback number.
7. The applicant shall revise the plat by adding the minimum building setback lines and the front build to line to the new lot.
8. The applicant shall prepare a sewer easement deed and provide it to the Planning Department for review.
9. The applicant shall revise the plat by deleting note #16.
10. The applicant shall prepare an easement to the City for the continuation of Gina Way. Said easement shall be reviewed as to form by the City Attorney.

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

11. The new house shall be assessed the current impact fees in place at the time of building permit application.
12. The new house shall be assessed the current water and sewer investment fees in place at the time of application for water and sewer service.

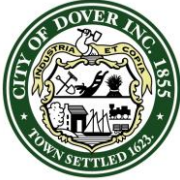
C.Plante stated her concern about the frontage being only 19 ½ ft. which is not close to the required 100 ft. C.Parker clarified that if Gina Way were to be built, there is an easement, and by extending Gina Way, this would give 103 ft. of frontage. Otherwise, the Planning Department would normally not support this. There is no need at this time to extend Gina Way.

Motion: K.Shuman made the motion to approve subject to staff recommendations. Seconded by G.Green. Vote: U/A

- D. Consideration and acceptance of a Minor Subdivision of land for Jason Pohopek, (Owner: John Valyo), Assessor's Map A, Lot 28-20, zoned R-40, located at 20 Gladiola Lane & Sixth Street. (1 new unbuildable lot)
*(P15-07)

C.Parker stated the applicant is looking to subdivide an existing lot to create one lot with the house, and an additional lot as a conservation lot. The conservation lot would have the frontage.

J.Pohopek represented the owner. This is subdivision rounding 81 acre lot with a house that has a well. The owner wants to put a conservation easement, and to donate a large portion of the lot to the city. Due to lack of the frontage,



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DOVER PLANNING BOARD – MINUTES

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Meeting Date: **Tuesday, January 13, 2015**
Meeting Time: **7:00 pm**

they received a variance from the Zoning Board of Adjustment. The applicant would need a waiver request for the requirement for the existing conditions. J.Pohopek clarified that they are not creating new building lots, and no new buildings are proposed.

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

Public Hearing Open. Nobody Spoke. Public Hearing Closed.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board approve the subdivision plan 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 the Planning File number P15-07 to the title block.
4. 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 155-51.A have been met.
5. The applicant shall revise the plat by adding the minimum building setback lines to the house lot.
6. The applicant shall revise the plat to add the map and lot numbers as required by the Assessing Department.
7. The applicant shall add a note providing information on the variance granted on 12/8/14, including the conditions imposed by the ZBA.
8. The applicant shall revise the plat to label the vacant lot as being unbuildable.
9. 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.
10. The applicant shall revise the plat to add the location of the existing well and septic system.
11. The applicant shall revise the plat to add common subdivision plan notes #8, 10, 13, 16, 25 and 26.

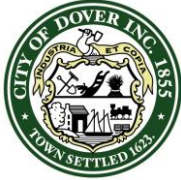
L.Skinner confirmed with T.Corwin that the condition of approval is based on transfer to city and establishing the conservation, and that there cannot be building on the lot.

Motion: K.Schuman made the motion to approve subject to staff recommendations. Seconded by F.Torr. Vote: U/A

- E. Consideration and possible posting of an amendment to the Zoning Ordinance (Chapter 170) for Alternative Treatment Center Ordinance

T.Corwin clarified that one of the four allowed Alternative Treatment Centers in the state will be in the seacoast area according to the Department of Health and Human Services. There was a background memo and a map given with possible locations provided for review. T.Corwin stated the locations have 90 days to submit where the plant will be located, and those responses would be determined in approximately six to eight weeks; therefore it is necessary to have a proposal prepared. He further stated that there are interested parties that are looking at Dover, and more facilities could be in the future.

The minimum criteria for the Alternative Treatment Center is that it cannot be located in residential areas by statute, or 1000 ft. near any school or drug free school zone. It cannot be within 2000 ft. of school property. The facility must be located in a permanent building, and open for business between the hours of 9 a.m.-2 p.m., Monday through Friday.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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Meeting Date: **Tuesday, January 13, 2015**
Meeting Time: **7:00 pm**

The only property Dover has that fits that criteria is the B4, B5 or I2 districts. The recommended districts for the treatment center are B4 or I2. These are subject to approval by the Planning Board.

Discussion ensued regarding considering the treatment centers as clinics for medical use and locating these facilities near a hospital or a clinic; however, all the clinics are in residential zones.

C.Plante asked if the four facilities in the state will be used for both cultivating and dispensing. Discussion ensued regarding security issues involved with having both in one location. The agricultural component was considered for the industrial area, and the fact that the plant could be grown inside the facility. The fumes and odors have to be taken into consideration with the location. C.Parker stated we do not have a lot of property available for a huge manufacturing facility.

Discussion ensued regarding the possibility of locating the facility in the business district or hospital district, but according to the statute, the facility cannot be placed in either of these locations due to the nearness of the residential areas.

C.Plante asked if the Board could obtain the regulations to view. C.Parker stated a link could be established for review.

Discussion ensued regarding posting the amendment and how to respond if someone wants to submit an application in Dover. The Planning Department would let the applicant know that the substance is not currently permissible in the City, and are currently waiting for the certificate to be issued by the State. It is only legal when the certificate is issued. L.Skinner stated that by posting this amendment, the Board has more control. C.Parker confirmed that changes could be made after, and that the council has the opportunity to ratify the amendment.

Motion: T.Clark made a motion to approve the posting of the amendment. Seconded by L.Skinner. Vote U/A

F. Discussion of Sign Ordinance Sub-committee Amendments – Chapter 170-32 and Chapter 170-6 (Definitions)

G.Green gave the presentation, and distributed documents with the summary reviewing temporary signs and electronic message board technology, as well as reviewing what other cities were doing and their gateways to compare to our own in order to improve on our own. He also stated the Sub-committee obtained views and opinions from all sides of the community, public and business, as consideration to assist in the process.

Motion: G.Green made a motion to approve the minutes. Seconded by T.Clark. Vote U/A

G. Discussion of Off-Street Parking Amendments – Chapter 170-44

K.Schuman gave the overview of the Parking Regulations, stating it cannot be treated universally in all the zones, and the need for flexibility in individual areas. There has to be a review of the peer communities, as well as being open to allow the market influence. K.Schuman suggested to move from a minimum parking requirement to a maximum parking requirement. He further stated that each business has their own parking intensity and the turnover, as well as the hours needed for the spaces which needs to be considered.

Discussion ensued regarding the consideration of shared parking and how much parking is needed to accommodate businesses and customers.

Motion: L.Skinner made a motion to approve the Parking minutes from December 30, 2014. Seconded by C.Plante.



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DOVER PLANNING BOARD – MINUTES

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Meeting Time: **7:00 pm**

Vote U/A

H. Discussion of Other Land Use Amendments

C.Parker gave an overview on the Heritage District suggesting the criteria that states single family homes have to meet an architectural design needs to be removed. The language will be revised. There would be a notice issued to everyone in the district and a public hearing would be held. C.Parker clarified the memo about extending the Heritage District up to Central Avenue and engulfing the Downtown Gateway District that Staff does not recommend this because of the various properties that would become non-conforming in doing this. He further stated the existing Heritage boundaries should be supported.

Discussion ensued regarding zoning amendments and site sub-division regulations to place a minimum on open space subdivision size lots. C.Parker stated a minor subdivision in R40 would be similar to R12 or R20; however, the case has to be made to do this first.

6. STAFF COMMENTS

C.Parker commented on the maps that were addressed in the previous meeting stating that the necessary changes have been made.

The Council Agenda has a project on Mast Road for a lot line adjustment, if anyone is interested in seeing this project. There are two wells in proximity to this project, and one is active. We will have our environmental consultant to review the applicant's drainage plan. This plan has had more people to review the drainage and impacts on this site to ensure that a 270,000 sq. ft. manufacture in Dover will not affect the well sites.

7. MEMBER COMMENTS

L.Skinner stated he felt the need to have individual workshops to review the information for both the Sign and Parking Amendments.

D.Ciotti received comments from the Board and it was determined with five in agreement to split the dates for the workshops. C.Parker suggested February 3, 2015 for the Signs and Land Use Amendment review and March 3, 2015 for the Parking Amendment review. The Board was in agreement.

8. ADJOURNMENT

Motion: C.Plante made a motion to adjourn at 10:17 p.m. Seconded by K.Schuman. Vote: U/A