

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: McConnell Center, Room 306
61 Locust Street, Dover, NH 03820
Meeting Date: **Tuesday, August 25, 2015**
Meeting Time: **7:00 pm**

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

Members Not Present:

Staff Present: Christopher Parker (Assistant City Manager), Donna Pohli (Assistant City Planner), Tracy Smith (Recording Secretary)

The Chair called the meeting to order at 7:05 p.m.

1. CITIZENS' FORUM

Citizens Forum Open. Nobody Spoke. Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- July 28, 2015 Regular Meeting Minutes.

Motion: K.Schuman made a motion to approve the July 28, 2015 Regular Meeting Minutes. Seconded by B.Garrison. Vote U/A

3. OLD BUSINESS

- A. Consideration and possible vote of an Open Space Subdivision for MCL Builders and Developers, LLC (Owner: Mace Family Revocable Trust), Assessor's Map I, Lot 6-C, zoned R-12, located at 46 Back River Road. (Subdivide existing lot into 8 lots. The applicant is requesting three waivers). *(P15-05)

Motion: D.White made a motion to remove item 3.A from the table. Seconded by C.Lawrence. Vote U/A

The Chair introduced the new Planning Board member, Curtis Pratt.

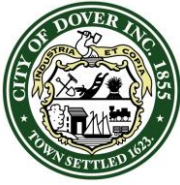
C.Parker gave an overview of the application and stated the applicant requested four waivers. The Planning Department is not in favor of the fourth waiver.

Bob Stowell, Trittech Engineering, represented the applicant, summarized the application process, and explained the reason for the fourth waiver to extend the City sewer from Back River Rd along the northerly boundary line to have gravity sewer to four homes, where the last two homes would have individual sewer pumps.

Public Hearing Reopened. Nobody Spoke. Public Hearing Closed.

C.Parker stated his concern with the amount of waivers needed for this project, particularly with the fourth waiver which does not comply with the rules pertaining to the Open Space Subdivision. He recommended the gas and sewer lines be relocated, and stated the sewer line would be moved anyway if they hit ledge in construction. He explained the Conventional Subdivision was a better layout for this project which he had supported, and the first two waivers would not have been needed if the Conventional Subdivision layout had been used.

STAFF RECOMMENDATION:



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The Planning Department recommends that the Planning Board approve the Open Space 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 revise the plat to add the Planning File number P15-05 to the cover sheet and title block on all sheets.
4. The approval includes the granting of 3 of the waivers requested for the reasons stated by the applicant. The Board finds that the criteria of Chapter 155-51.A have been met for these 3.
5. The applicant shall revise the plat to include a 30 foot no cut/no disturb buffer per Chapter 155-36.F on the north and relocate the gas and sewer lines and eliminate the 20 foot sewer easement.
6. The applicant shall add the required public transit section to the standard traffic impact study to be approved by the Planning Department.
7. Applicant shall revise the plan to change "he tide" to "the tide" in note #17 on Sheet EX-1.
8. The applicant shall revise the plat to note 2 45° bends on watermain by hydrant, not 1 90°.
9. The applicant shall revise the plat to remove note 27 on Sheet S-1, and replace with an easement for future watermain connections to the North (map 16 lot 20) and South (map I lot 6) parcels. The easement should be in favor of the abutting parcels.
10. Applicant shall revise plan on Sheet S-2 to:
 - a. label the sight distance for the proposed road or add a detail and reference on plan sheet;
 - b. include a fire truck turning radius to the satisfaction of the Fire Department or add detail and reference on plan sheet;
 - c. label gravel in the connector road.
11. Applicant shall revise plan Sheet La-1 to state that trees in perimeter buffer must be 8 feet tall and include evergreen trees per 155-36-F and add the 4 "PS" trees shown on plan to the legend.
12. Applicant to fix gas line on the legend to match what is shown on the plan (fixing single line to double line).
13. Applicant shall revise the plan to turn the hydrant symbol as it is difficult to read on plans currently.
14. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the Community Services Department.
15. The applicant shall submit proposed Homeowner's Association Documents, addressing maintenance of the drainage infrastructure and utilities, the private road, open space ownership, access to the open space lot, and preservation of perimeter landscaping. These documents shall be reviewed by the Planning Department, with consultation by the City Attorney on compliance with conditions.

Conditions to Be Met Prior to Any Construction Activity:

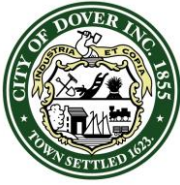
16. Construction hours shall be limited to Monday-Friday 7 AM-6 PM, with no Saturday or Sunday hours. Hours of construction shall be documented on a site construction sign along with the contact information for the general contractor. Said signage shall be located and approved by the City Engineer or Director of Planning and Community Development.

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

17. Any new building shall pay the current impact fees in place at the time of building permit application.
18. 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:

19. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
20. The applicant shall submit documentation that a Homeowner's Association has been formed.



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L.Skinner stated his concern with the waiver for the street width and the problems that could develop with recreation vehicle parking, on street parking, and snow removal on narrow streets.

C.Plante requested clarification as why is it better to have more pumps than a sewer easement. C.Parker explained it's better to have access to the sewer than having it located in the yard with a no cut, no disturb rule. This will be a private road with a Homeowner Association. He recommended the gas and sewer line be relocated due to the area testing for ledge.

F.Torr stated his concern regarding tree removal. C.Parker stated there is a Forestry Management Plan in place for Open Space Subdivisions.

D.Ciotti stated he did not have a concern with the street width due to the road being private and recreation vehicle parking could be established. He expressed concern regarding the original design that was introduced, the lack of open space to be enjoyed by neighbors, and the applicant requesting four waivers.

L.Skinner stated the Open Space Subdivision process would create open space for the City with private land used for the benefit of local residents. He stated his concern with the process being used as it is intended.

B.Stowell reviewed the reasons for the Open Space Subdivision and the waivers.

Discussion ensued regarding concern for the destruction of the historical barn, the street width, and the voting options for the Planning Board.

Motion: D.White made a motion to approve subject to staff recommendations. Seconded by C.Plante. Vote: 7/2 (Opposed: C.Lawrence, L.Skinner)

4. NEW BUSINESS

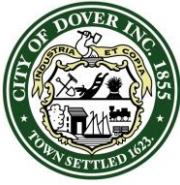
- A. Impact Fee Waiver Request for Riparia – One Hundred First Street, LLC, Assessor's Map 6, Lot 3, located at 100 First Street. (Waiver of Public Safety – Police Impact Fee in return for First Street lighting as per 170.23-F-1-c).

C.Parker gave overview of the Impact Fee Waiver Request and explained the reasons for when waivers are granted and the amount of the impact fee of \$14,000 in comparison to the amount of the lighting at \$32,000 to show the return on the investment for the City. He displayed the lighting plan to the Board members and stated the applicant verified the theme and decoration of the lights with the Planning Department. This does not have a public hearing.

Discussion ensued with the timing of the waiver, the location and amount of the lighting, what was required of the applicant in the conditions of approval, and the benefit to the community to have the continuity with the lighting theme. C.Parker stated the lights are already in place, and if the waiver request is denied, the applicant could remove the lights and submit an amendment to the site plan to remove the lights.

Discussion continued with regarding evaluating future projects with more detail and not rushing them through.

Motion: K.Schuman made a motion to allow the applicant to speak. Seconded by C.Lawrence. Vote: 5-4 Passed



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K.McEneaney, McEneaney Survey Associates, represented the applicant and stated the reason for the timing is because it was anticipated with the land development agreement because it is part of that agreement. He explained the benefits to the building, and the safety benefits to the public to have lighting on the North side. He further stated Buildings are being remodeled there and the guarantee of 5.1 million of taxable property. He clarified that the application is not receiving payment, but a credit in the amount of \$14,000 and stated the amounts of the fees the applicant has paid.

STAFF RECOMMENDATION:

The Planning Department recommends that after duly considering the merits of the waiver, the Planning Board should grant the waiver.

Motion: B.Garrison made a motion to grant the waiver. Seconded by T.Clark. Vote: 5-4 (Opposed: F.Torr, C.Plante, C.Lawrence, D.White)

- B. Consideration and acceptance of a Minor Lot Line Adjustment for George Maglaras (Owner: City of Dover), Assessor's Map 24, Lots 105 & 105A, zoned CWD, located at 20 & 22 Cocheco Street. *(P15-45)
- C. Consideration and acceptance of a Minor Lot Line Adjustment for George Maglaras, Assessor's Map 24, Lots 138 & 139, zoned CWD, located at 31 & 33 Cocheco Street. *(P15-46)

K.Schuman stated items 4.B and 4.C would be heard together.

C.Parker gave an overview of the applications and clarified no new lots are being created.

G.Maglaras explained the lot line adjustments are requested by the State Department of Environmental Services (DES) as it relates to a remedial action plan put together between the applicant, the Environmental Protection Agency (EPA), DES, and the Northeast Utilities (Eversource).

C.Plante requested clarification regarding the lot line adjustment with land owned by the City. G.Maglaras stated the DES requested to take a piece of impacted property the City owns to transfer to him in order to deal with one property owner with the remedial plan. Otherwise, the City of Dover would become a potential responsible party and would be subject to restraints with the use of the City's property.

C.Parker explained the industrial history of the area and the EPA would rather have one property owner to deal with to clean up the property and the material on the site. There is an Activity/Use Restriction plan developed to clean up material on the site. He stated G.Maglaras approached the City administration to transfer property so Eversource can plan the cleanup.

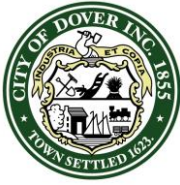
C.Plante requested clarification of future development with the property. C.Parker explained the Activity/Use Restriction plan in place as it pertains to the needed pump station on the site.

D.Ciotti verified the location of the existing property line.

G.Maglaras explained the ongoing negotiation with EPA and DES began in 1981, and these adjustments are being made at their request.

C.Parker clarified the line style on the plans.

Motion: K.Schuman made a motion to accept the applications for items 4.B and 4.C. Seconded by T.Clark. Vote: U/A



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Public Hearing Opened. Nobody Spoke. Public Hearing Closed.

STAFF RECOMMENDATION: (P15-45)

The Planning Department recommends the Planning Board accept the application, hold the public hearing, and 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 applicant shall label the lot lines to be eliminated and show the lot line between lot 105 and Portion 24-105 to be eliminated.
4. The applicant shall revise the plat to add the zoning district boundary that runs along Portland Ave.
5. The applicant shall revise the plat to add the Planning File number P15-45 to the title block.
6. The applicant shall correct spelling to "Cochecho" in note 4 and when referencing the river.
7. The applicant shall revise the plan to correct note #8 to say Strafford County Registry of Deeds rather than Stratham Registry of Deeds.

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

STAFF RECOMMENDATION: (P15-46)

The Planning Department recommends the Planning Board accept the application, hold the public hearing, and approve the application with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

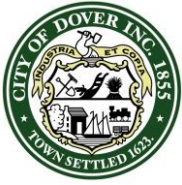
1. The owner's signature shall be added to the final plan set submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plan.
3. The applicant shall revise the plat to add the zoning district boundary that runs along Portland Ave.
4. The applicant shall provide a second sheet to show the names and addresses of all abutters.
5. The applicant shall revise the plat to add the Planning File number P15-46 to the title block.
6. The applicant shall correct spelling to "Cochecho" in note 4 and when referencing the river.
7. The applicant shall remove the lot line between lot 105 and Portion 24-105.
8. The approval includes the granting of the waivers requested for the reasons stated by the applicant. The Board finds that the criteria of Chapter 155-51-A have been met.

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

- D. Consideration and acceptance of a Conditional Use Permit, per Chapter 170-20-B(2), for Jason White (Owner: Big Holdings, LLC), Assessor's Map 23, Lot 24, zoned CBD-General, located at 245-249 Central Avenue. (Proposed 2nd residential building with 4 dwelling units & ground floor garage stalls as opposed to commercial).* (P15-44)

C.Parker gave an overview of the application.

Christian Smith, Engineer with Beals Associates, represented the applicant. He stated Jason White, proprietor of Big Holdings, LLC was also present and stated the information provided in the application and compliance letter submitted by Beals Associates.



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D.Ciotti verified with C. Smith the location of the 5x5 dumpster access would be through parking stall #16, and the amount of parking spaces. C.Parker clarified the amount of parking spaces required according to the new building and the parking regulations.

D.Ciotti stated his concern with the dumpster access and the layout of the proposal. He suggested private trash removal to have the parking space available. C.Parker stated the dumpster relocation could be listed as a condition of approval.

C.Plante verified with C.Parker the Planning Staff suggestion to remove spaces # 8 and # 9 to provide the 5 ft. grass space between the edge of the parking lot and the property line. C.Parker stated the applicant would need a waiver to keep the spaces.

D.White stated his concerns with issues pertaining to the development of the site and the impact to abutters regarding drainage and snow storage. C.Parker stated the issues can be reviewed by the Planning Technical Review Committee (TRC).

Discussion ensued regarding concerns with amount of parking and snow storage location. C.Smith stated the existing parking available and the snow storage pertaining to this parking, and the parking spaces required according to the regulations. C.Parker clarified the intent for the application to be reviewed by TRC.

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

Public Hearing Opened. 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 Conditional Use Permit with the following conditions:

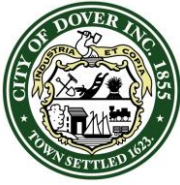
Conditions to Be Met Prior to Signing of Plans:

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 applicant shall revise the plan to remove parking spaces #8 and #9 so that the 5 foot pavement setback is retained.
4. Revise plan to include erosion and sediment control features which shall be installed prior to any earth disturbance.
5. The applicant shall be subject to a formal agreement between the Planning Board and the applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds per Chapter 170-20-B(3).
6. The Technical Review Committee shall review final plan and note any site concerns.
7. The applicant shall relocate the dumpster.
8. The applicant shall revise the plan to update the parking requirements.

F.Torr stated TRC would need to review the retaining wall.

C.Lawrence verified with C.Smith the surface would be asphalt covering with 67% lot coverage amount.

C.Parker stated Staff agreed with the 14 parking spaces. He clarified the Parking Sub-Committee goals and the parking for this application in an urban environment.



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L.Skinner stated his concern with the Parking Committee recommendations.

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

- E. Consideration and acceptance of a Site Plan Review for Johnson Creek Village (Owner: Real McKoy Properties, LLC), Assessor's Map H, Lot 1, zoned B-4, located at 301 Durham Road. (Proposed 9,880 sq. ft. elderly assisted care home attached to existing structure to contain 2 accessory staff apartments).
*(P15-38)

C.Parker gave an overview of the application.

Dana Lynch, CivilWorks, Inc., represented the applicant and stated Aramis Black and Art Guandano from AG Architects, also present. He clarified information as stated in the application, and displayed and reviewed Sheet 3, 5, and 6 of the proposed plan. The waiver for the bike rack was withdrawn. He stated a one slot bicycle rack will be provided. He explained the waiver for the porous sidewalks is to make hazard free accommodation for the elderly residents.

Discussion ensued regarding the waiver for porous pavement and the requirement. D.Lynch stated the reason for the request is to have a smooth pavement for the elderly.

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

Public Hearing Opened. Nobody Spoke. Public Hearing Closed.

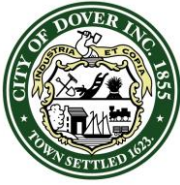
C.Parker stated the Planning Staff supports the waiver, adding it is meeting the medical need for the elderly.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board accept the application, hold the public hearing, and approve the site 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 plan submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plan.
3. The applicant shall provide the NHDES septic system design permit and note the number on the final plan.
4. The applicant shall have the NHDOT verify in writing that an amended driveway permit is not needed based on the use.
5. The applicant shall revise traffic analysis to include trip distribution, public transit, and Professional Engineer's stamp and signature.
6. The Professional Engineer, Licensed Land Surveyor, and Soil Scientist shall stamp and sign the final plan set.
7. The applicant shall revise sheet 3 to add the fencing near the dumpster to legend.
8. The applicant shall revise note #7 on sheet 3 to correct "car" to "care".
9. The applicant shall provide Fire Department turning radius template with a 40' scale so that the Fire Department can also see the driveway entrance.
10. The approval includes the granting of the waiver requested for the reasons stated by the applicant. The Board finds that the criteria of Chapter 149-19.A have been met.



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11. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the Community Services Department.
12. The applicant shall revise stormwater report to be reviewed and approved by the Engineering Department, adjusting drainage to better meet the water quality and pre/post-volume requirements.

Conditions to Be Met Prior to Any Construction Activity:

13. 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:

14. Any new building shall pay the current impact fees in place at the time of building permit application.

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

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

C.Plante asked why the Planning Department did not recommend a site walk. C.Parker stated the property is located on a major roadway, and not an impact to the abutters, as well as, the applicant responded to the TRC comments.

C.Plante asked if the abutter of the shared driveway had been properly notified. D.Lynch stated they had meeting and the abutter had no concerns at the meeting.

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

- F. Consideration and acceptance of a Site Plan Review for Geoff Aleva, PE (Owner: Bob McGuire), Assessor's Map G, Lot 31-1, zoned I-2, located at 50 Crosby Road. (Proposed 12,000 sq. ft. building with 21 parking spaces). *(P15-43)

C.Parker gave overview of the application.

Geoff Aleva, Civil Consultants, stated this is a restart of the project that was previously before the Planning Board in 2006. He explained his proposal to reduce existing impervious material on the site, and regarding storm water to add a gravel edge to keep material from getting into the wetland. He distributed copies of a plan which gives an aerial view of Crosby Road and what is proposed on the North side of the building. Regarding condition #7, he stated his agreement with his stamp and asked if he had to have a survey completed.

C.Parker stated he was willing to amend if he received necessary documentation from Kevin McEneaney.

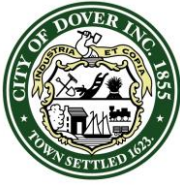
C.Parker verified with G.Aleva the plantings on the second sheet of the distributed plan are from the previous approval.

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

Public Hearing Opened. 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 site plan with the following conditions:



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1. The owner's signatures shall be added to the final plan submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plan.
3. Revise plan to add a note that any changes of use other than industrial manufacturing shall require that the applicant comply with the Site Plan Regulations.
4. The applicant shall provide an architectural rendering sheet.
5. The applicant shall provide a lot plan with abutter information, property line dimensions and bearings.
6. Applicant shall submit in writing approval of an amended driveway permit or reasoning as to why an amended permit is unnecessary.
7. Applicant shall revise plan to include stamp and signature of the surveyor and engineers or other form of description.
8. Applicant shall revise sheet L1 to add a note indicating the intent of this plan.
9. Applicant shall revise plan to add parking calculation based off of the new parking requirements.
10. Applicant shall confirm with Building Official that the handicap parking space complies with ADA regulations.
11. Applicant shall revise plan to show fire lanes.
12. Applicant shall include a turnaround template including driveway area for the fire department apparatus.
13. The applicant shall obtain approval from DBIDA on the covenant waiver.
14. Applicant to revise plan to indicate how the runoff from the roof area will be collected and conveyed.
15. Applicant shall revise traffic analysis to add description of road way, sight distance, trip distribution, and public transit sections.
16. The approval includes the granting of the waivers requested for the reasons stated by the applicant. The Board finds that the criteria of Chapter 149-19.A have been met.
17. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the Community Services Department.

Conditions to Be Met Prior to Any Construction Activity:

18. 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:

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

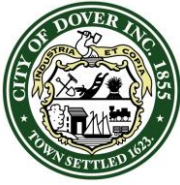
Conditions to Be Met Prior to Issuance of a Certificate of Occupancy:

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

C.Parker clarified the information in the conditions of approval regarding DBIDA, condition #14, condition #16 and the technical aspects regarding the site plan.

Motion: F.Torr made a motion to approve subject to staff recommendations. Seconded by D.White. Vote U/A

5. STAFF COMMENTS



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C.Parker presented information regarding the Notice of Merger document. D.Ciotti read the Notice of Merger document regarding 44 Portland Ave, LLC, 42J Dover Point Road, and the merging of two parcels recorded at the Strafford County Registry of Deeds for Tax Map 24, Lot 104, recorded in deed Book 4257, Page 750 and Tax Map 24, Lot 104A, recorded in deed Book 4257, Page 750. The Board members approved the document with a show of hands, and the document was signed by D.Ciotti.

C.Parker distributed a document from the New Hampshire Municipal Association to inform the Planning Board members of the Municipal Law Lecture Series conference available in September and October. The Board members are to contact him if they are interested in attending the conference.

The Board members were reminded that the Planning meetings will be returning to the Council Chambers at City Hall in September.

The Board members want to continue receiving paper packets instead of reviewing materials provided online.

Dave Carpenter will be joining the Planning Department as a new employee in Community Development.

D.Pohli will be addressing the site plan regulations.

6. MEMBER COMMENTS

C.Lawrence stated information he received regarding Berry Brook.

C.Plante addressed Durham regulations regarding their historic district in comparison to Dover regulations. C.Parker stated the limited purview and planning associated with the historic districts.

F.Torr noted other communities are not as prepared as Dover to address medical marijuana.

7. ADJOURNMENT

Motion: K.Schuman made a motion to adjourn at 9:49 p.m. Seconded by D.White. Vote: U/A