DOVER PLANNING BOARD – MINUTES

CITY OF DOVER

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers - City Hall, 288 Central Avenue, Dover, NH 03820
Meeting Date:	**Tuesday, September 22, 2015**
Meeting Time:	**7:30 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 7:33 p.m.

1. CITIZENS' FORUM

Citizens Forum Open. Nobody Spoke. Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- August 25, 2015 Regular Meeting Minutes.

Motion: B.Garrison made a motion to approve the August 25, 2015 Regular Meeting Minutes. Seconded by D.White. Vote U/A

C.Parker introduced the new Planning Staff employees.

3. OLD BUSINESS

4. NEW BUSINESS

A. Consideration and acceptance of an Extension Request for a Site Review for Littleworth Road Solar, LLC (Owner: Bruce Caswell), Assessor's Map G, Lot 31, zoned I-2, located at 68 Littleworth Road. (Previously approved on August 26, 2014). *(P14-53A)

C.Parker explained the expiration of the previous application and the project is being resubmitted for reapproval. He stated the previous conditions have been met. The only conditions are the signature and digital version of the plan. D.Ciotti verified with C.Parker the application is the same as the application originally submitted in August 2014.

Andrew Kellar, NH Solar Garden, presented the application and explained the reason for the expiration was the need to meet other requirements for the project. He verified there were no changes to the project as previously submitted. He stated the project is ready to move forward with the plan to begin construction.

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

Public Hearing Opened. Nobody Spoke. Public Hearing Closed.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board reapprove the application with the following conditions:

Conditions to Be Met:

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.

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

B. Consideration and acceptance of a Minor Lot Line Adjustment for Mike Torr, (Owner: David G. Torr) Assessor's Map B, Lots 6D & 6G, zoned R-40, located at 62 County Farm Cross Road. *(P15-47)

F.Torr recused himself. M.Fogarty was appointed by the Chair to sit in on his behalf.

C.Parker gave an overview of the application.

Jason Pohopek, Design & Construction, LLC, represented the applicant and stated the information as listed in the application. J.Pohopek further stated the applicant wants to reconfigure the lot lines to separate the road frontage, as it is currently on the one lot and create two buildable lots.

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

Public Hearing Opened. Nobody Spoke. Public Hearing Closed.

STAFF RECOMMENDATION:
The Planning Department recommends that the Planning Board 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 add the surveyor's stamp and signature to the final plat.
4. The applicant shall revise the plat to include the house number of the abutter at lot 5.
5. The applicant shall revise the plat to show the building setback line/envelope on sheet 1 for both lots.

T.Clark verified with C.Parker the proposed land use is one single family house on each lot, and the applicant could apply for an Accessory Dwelling Unit on the property.

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

F.Torr returned to his seat.

C. Consideration and acceptance of a Minor Subdivision of land for Christopher R. Berry, (Owner: Carl Thibodeau), Assessor's Map L, Lot 48M, zoned R-20, located at 8 Pineview Drive. (1 new lot) *(P15-48)

C.Parker gave an overview of the application.

Chris Berry, Berry Surveying & Engineering, represented the applicant and stated the plan is to subdivide the acreage into two lots. A variance was received from the Zoning Board of Adjustment with conditions of approval. There is an existing drainage easement on the site that the applicant is willing to grant an easement to the City of Dover for a sewer project with the Spaulding Turnpike. He explained the existing structure and the plan to build an additional structure.

D.White requested clarification regarding the City's easement on the plan. C.Berry stated the City's easement and the document pertaining to it has not been located. As part of approval, the applicant would provide a separate easement document for both easements in the event the document cannot be located for the one owned by the City.

C.Parker clarified one of the conditions regarding screening, and confirmed the location with C.Berry to prevent planting in the City easement.

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.

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 P15-48 to the title block.
4. The applicant shall revise the plat to add the location of the existing and proposed water, stormwater sewer, sanitary sewer, electrical, and any other utility lines.
5. The applicant shall revise the plat to include a neighborhood plan.
6. The applicant shall revise the plat to have the locus map meet the requirements of 1"=1000' with a 3000' radius.
7. The applicant shall revise the plat to add the house location to parcel 2.
8. The applicant shall revise the plat to locate the screening on Map L between lot 48-M-1 and lot 48-N to the satisfaction of the Planning Staff.
9. The applicant shall revise note 7 on sheets 1 and 2 to indicate the variance was to allow 92.51' of frontage and the conditions of the variance that:
   a. No more than two units over the two lots be created
   b. Screening will be installed prior to issue of the building permit
   c. The utility easement would be donated to the City, if needed. If no easement is needed, the applicant shall add the plan number to the reference list
   d. The new home will have a similar look and feel to the existing neighborhood mitigated through street-scape improvements

C.Parker confirmed the applicant is not able to have Accessory Dwelling Units on these lots. If no utility easement can be found, the applicant is to add the plan number to the reference list.

L.Skinner stated his concern with condition 9.d. C.Parker clarified this condition was established by the Zoning Board of Adjustment.

T.Clark suggested the screening mentioned in the conditions be added to the plan. C.Parker revised the conditions to note this information.

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

D. Consideration and acceptance of a Site Plan Review for Gulf Landing Properties, LLC, Assessor's Map 38, Lot 9A-2, zoned B-3, located off of Central Avenue. (3,888 sq. ft. of office space on the first floor with 8 residential units above). *(P14-35)

E. Consideration and acceptance of a Conditional Use Permit for River Valley Development Corporation (Owner: Gulf Landing Properties, LLC), Assessor's Map 38, Lot 9A-2, zoned B-3, located off of Central Avenue. (10,251 sq. ft. of disturbance to the 50 foot wetland buffer)* (P15-37)

K.Schuman stated items 4.D and 4.E would be heard together.

C.Parker gave an overview of the application.

Chris Berry, Berry Surveying and Engineering, represented the applicant and stated updated information regarding the revisions regarding the pavement and the work with the Department of Environmental Services (DES) regarding the wetlands on the site. He provided the location of the right of way and the access to Central Avenue, and stated the applicant is working with the owner of the Shaw's plaza regarding the redevelopment of the right of way to reduce the storm water runoff. He addressed the conditions with the Planning Technical Review Committee (TRC) regarding parking and the traffic impact, as well as the entrance design. He requested Board member input and suggested a site walk to review the site.

C.Plante confirmed the total buffer impact as 10,251.55 sq. ft.

L.Skinner stated his concern regarding proceeding with applications that are not ready. C.Parker clarified the difference between accepting the application and approving the application. He clarified the procedure accept jurisdiction over the application, note the TRC issues, and to obtain the feedback from the Board.

C.Berry requested the Board consider the TRC issues that have been addressed and asked for feedback from the Board members. He stated the land owner is hesitant to move forward until the Board supports the project.

Discussion ensued regarding the parking and access to the property. C.Berry stated the parking amount is the maximum allowed in the event of overflow, and clarified the existing condition of the right of way and the need for redevelopment, and that it is not the only way to access the area.

C.Parker provided examples of other landlocked businesses that have access to right of way through abutting property, as well as the location of the second access through the Black Dog Car Wash right of way. The second access location was not recommended because the intersection could not be widened. He explained the traffic pattern and pedestrian access associated with the proposed right of way.

C.Berry stated there is a second lot with access and rights, but no access to the appropriate traffic pattern of "right in – right out" and left out is detrimental.

D.Ciotti requested C.Berry to submit a letter in the future regarding completed TRC comments to present clear information to the Planning Board about what items are complete and what is yet to be worked on. This will give the Board accurate information with less questions to determine whether the application is insufficient. C.Berry agreed to this procedure.

C.Parker explained the strike-throughs on the TRC document only pertained to the Planning Department, and the other departments were not addressed. He stated the application is complete with work to be finalized.

Motion: F.Torr made a motion to accept the applications for items 4.D and 4.E. Seconded by T.Clark. Vote U/A

Public Hearing Opened. Nobody Spoke. Public Hearing Closed.

STAFF RECOMMENDATION: (P14-35)
The Planning Department recommends that the Planning Board table the application to allow the applicant more time to address the comments from TRC (please see the attached minutes with the strike through text which indicates the comments have been addressed).

STAFF RECOMMENDATION: (P15-37)
The Planning Department recommends the Planning Board table the Conditional Use Permit to allow the applicant time to address the staff comments before coming to the Board.

Motion: K.Schuman made a motion to table items 4.D and 4.E and the public hearing. Seconded by L.Skinner. Vote U/A

F.Torr recommended the Board members view the property.

F. Consideration of City Council's Recommendations for Zoning Amendments.

B.Garrison presented the update from the City Council regarding the Zoning Amendments. He stated the City Council did approve the Zoning Amendments with comments to be reconsidered by the Planning Board. Tony McManus, City Council was also present to address the comments. B.Garrison stated the list to be reconsidered:

-Supporting the idea of a Sub-Committee for the review of I-1 zoning.
-Review of height in the CBD district, preferring 4 stories instead of 5 stories.

-Include Silver Street to Exit 7 in the Heritage District.

Discussion ensued regarding the City Council procedure regarding voting and ratifying the Zoning Amendments, and that the suggestion was not formally made. Discussion continued regarding the amendments to be reconsidered and the need for additional information for discussion purposes.

C.Parker clarified no immediate action was necessary, and the Zoning Amendments had been ratified. The amendments were approved with items for the Planning Board to consider and the members could change it formally.

B.Garrison confirmed the suggestion was not formally made, and requested the Planning Board consider four stories over five, and that there was a need for a clear definition of a story. D.Ciotti stated he had nothing in writing to confirm it was not formal.

T.McManus addressed the items for reconsideration and stated the majority of the City Council expressed concern regarding the height issue, and five stories might be too high for the downtown area. He stated most of the existing buildings are three stories, and a five story building would loom over the City. He clarified height is there to create uniformity, and stated the concern with measuring height by floor which could be exaggerated. He suggested a height restriction with controlled levels for clarity. He stated comparisons regarding the lack of uniformity in Boston and the lack of open space in Portsmouth, and the possibility of that taking place in Dover.

C.Parker clarified between 1983 and 2009 there was a height restriction of 75 ft. height restriction, and from 2009 to 2015 there was an unlimited height. He further stated this does not mean buildings will be this height. He recommended the Planning Board review the information again in January 2016.

5. STAFF COMMENTS

C.Parker stated the next Planning Board meeting will be a joint meeting with the City Council on October 7, 2015 at the McConnell Center in Room 305. The Planning Board will return to two meetings per month beginning in October.

C.Parker gave an update on Dover Honda and the landscaping placed on the Dover Honda property with access from the abutter's property. A fence was installed at the request of the abutter. There are issues regarding the two parties regarding maintenance of the tree and landscaping. The Building and Engineering Staff will be performing inspections and the process is being monitored.

6. MEMBER COMMENTS

F.Torr clarified with C.Parker that there will only be one Planning Board meeting for the months of November and December. C.Parker stated the "Meet and Greet" for the Land Use Board members will be in November.

C.Plante confirmed with C.Parker the parking and street issues regarding First Street have been resolved.

7. ADJOURNMENT

Motion: K.Schuman made a motion to adjourn at 9:11 p.m. Seconded by D.White. Vote: U/A