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, November 17, 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), Curtis J. Pratt (Alternate)

Members Not Present: Maggie Fogarty (Alternate)

Staff Present: Christopher Parker (Assistant City Manager), Donna Benton (Assistant City Planner), Elena Piekut (Assistant City Planner), Daniel Lynch (Finance Director), Anthony Blekinsop (City Counsel), David Terlemezian (Police Captain), Tracy Smith (Recording Secretary)

The Chair called the meeting to order at 7:12 p.m.

1. CITIZENS' FORUM

Citizens Forum Open. Nobody Spoke. Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

October 27, 2015 Regular Meeting Minutes & November 10, 2015 Workshop Meeting Minutes.

Motion: K.Schuman made a motion to approve the October 27, 2015 Regular Meeting & November 10, 2015 Workshop Meeting Minutes. Seconded by D.White. Vote U/A

3. OLD BUSINESS

A. Public hearing, discussion and possible vote on the City's proposed Capital Improvements (CIP) FY 2017-2022. The CIP can be found on the City Web Site at www.dover.nh.gov, and in the Library, City Clerk's office, and Planning Department.

Public Hearing Opened. Nobody Spoke. Public Hearing Closed.

D.Lynch, Finance Director, gave an overview of the School Debt limits and the financing of the Dover High School project and answered questions from the Board members. He explained bond issues regarding debt repayment. He distributed a document to the Board members regarding the payments and explained the wrap around debt repayment approach.

C.Parker explained the CIP preplanning process.

C.Parker gave an update on two items with the City Council regarding the opportunity to purchase an ambulance in the amount of $25,000.00, and changes to the water fund to keep the rate increases at a steady impact instead of using reserve funds to pay utility costs. The City Council will hold a public hearing on November 18, 2015.

Motion: W.Garrison made a motion to recommend the City Council approve the Capital Improvements Program as presented and amended (to include additional ambulance purchase and adjustments to the Water Fund projects). Seconded by K.Schuman. Vote U/A

4. NEW BUSINESS

A. Consideration and acceptance of a Waiver Request (pavement side setback) for B-Team Realty, LLC, (Owner: B-Team Realty, LLC & Joseph M. Gabriel), Assessor's Map 37, Lots 28 & 29, zoned Office, located at 798 & 800 Central Avenue, (Construct 6,700 sq. ft. shared parking lot. Proposal is for 17 total parking spaces, where currently 13 exist between both properties). *(P15-49)

C.Parker gave an overview of the waiver request and stated the application was reviewed by the Planning Technical Review Committee (TRC), and the changes made. D.White will be working with the applicant on the rain garden.

D.Ciotti explained why the Board members needed to hear item 4.B before 4.A, and thanked the applicant for allowing the change in the agenda.

Attorney F.X. Bruton represented the applicant and stated the project involves creating a shared parking lot with the neighbor. The property was purchased by a computer networking consulting firm, and it was determined a shared parking lot would be beneficial to both properties. He explained the waiver request as stated in the application packet. He stated the conditions by TRC regarding the easement and the changes made accordingly. The project will begin in the Spring 2017.

D.Ciotti requested the status of the garage. F.X.Bruton stated the garage will remain and will be used for storage.

Motion: K.Schuman 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 waiver with the following conditions:

1. The applicant shall revise the plat to include Professional Engineer and Licensed Land Surveyor signatures and stamps.
2. The applicant shall revise the plat to indicate a cross access easement between both lots.
3. The applicant shall revise the plat on Sheet 2 to indicate how many units are in the house to accurately calculate parking maximum.
4. The Stormwater Operations and Maintenance plan for the rain garden along with who will maintain it must be reviewed and approved by the City Engineer.

K.Schuman clarified the landscaping recommendation with C.Parker. F.X.Bruton explained they are trying to preserve the trees on the property, and the issues to the rain garden. He explained the location of the trees, and expressed willingness to work with the Staff and wanting the property to look nice.

K.Schuman expressed his concern with streetscape parking lots where vehicles are closer to the curb than they are now. C.Parker stated as part of the goal setting in January, there will be an evaluation of the CBD requirements of this nature to determine the application of those requirements in other districts, such as screening cars from the public right of way.

Motion: K.Schuman made a motion to approve the waiver request subject to staff recommended conditions listed above. Seconded by F.Torr. Vote U/A

B. Consideration and acceptance of a Conditional Use Permit, for Temescal Wellness, Inc., (Owner: Jewett Commercial Park, LLC), Assessor's Map G, Lot 31-3, zoned I-2, located at 26 Crosby Road. (Proposed operation of an Alternative Treatment Center utilizing 2,500 sq. ft.). *(P15-52)

C.Parker gave an overview of the application and the process the City followed to establish the treatment center. He gave an overview of the vetting process of the security plan. He stated Police Captain David Terlemezian was present to answer any security questions.

Attorney Karen McGinley, Devine Millimet in Manchester, represented the applicant and stated Ted Rebholtz, President, Brandon Pollock, Vice-President, and Anthony Parrinello, Executive Director representing the Temescal Wellness, Inc. were also present. She stated the requirements of the Conditional Use Permit and the applicant's rights to pursue a license is pending. The State awarded the right to pursue for four facilities. The license is currently pending until the State requirements have been met. She reviewed the requirements established for this District and stated the center is meeting the requirements.

Motion: F.Torr 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 application with the suggested conditions:

1. Temescal Wellness shall submit actual hours of operation, and days of the week, to the Planning and Police Departments as changes occur.
2. The Police Chief shall confirm that all security measures are in place prior to issuance of the Certificate of Occupancy.
3. Signage shall meet the standards of He-C 402.23 ATC "Advertising Restrictions."

C.Parker stated the restricted signage be maintained according to the State regulations.

C.Plante requested information regarding the exterior lighting plan. C.Parker clarified there is no residential in the surrounding area, and the lighting is appropriate for safety.

Motion: F.Torr made a motion to approve the Conditional Use Permit subject to staff recommended conditions. Seconded by C.Plante. Vote U/A

C. Consideration and acceptance of a Minor Lot Line Adjustment for Arthur Gagnon, Assessor's Map H, Lots 2A-1 & 2A-2, zoned R-40, located at Freshet Road. *(P15-53)

C.Parker gave an overview of the application.

Christoper Berry, Berry Surveying & Engineering, represented the applicant who purchased the lots that were subdivided in 2012. The applicant is a builder and has begun building on the property. The lot has a right of way through it, belonging to Public Service of New Hampshire and the City of Portsmouth. The applicant wants to maintain the privacy and a vegetative buffer provided to the second lot, and has worked hard to place the structure on the property to maintain the vegetative buffer that exists along the right of way. Initially, the driveway was to be placed at the center line of the easement; however, there was not appropriate access to the home or lot with this plan because the easement did not go far enough. The applicant chose to pursue a Lot Line Adjustment so the owner of the property could own and maintain their own driveway.

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

Public Hearing Opened. Nobody Spoke. Public Hearing Closed.

STAFF RECOMMENDATION:
The Planning Department recommends that the Planning Board accept the application 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 add the surveyor's stamp and signature to the final plat.
4. The applicant shall revise the plat to include the Planning File number P15-53 to the title block.

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

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

D. Consideration and acceptance of a Conditional Use Permit for Berry Surveying & Engineering, (Owner: Mark and Suzanne Jones), Assessor's Map 11, Lot 14, zoned R-12, located on Arch Street. (Proposal is for a wetland impact of 250 sq. ft. and a 50-foot wetland buffer impact of 8,026 sq. ft.). *(P15-50)

E. Consideration and acceptance of an Open Space Subdivision for Mark & Suzanne Jones, Assessor's Map 11, Lot 14, zoned R-12, located at Arch Street. (13 lots) *(P15-16)

C.Parker gave an overview of application and stated the Staff is recommending a site walk for this application, and to table the application until after a site walk occurs.

Christopher Berry, Berry Surveying & Engineering represented the applicants. Mark and Suzanne Jones were present, as well as, Attorney Derek Durbin. He gave the information of the project as stated in the application material. He explained the existing features of the property to include man-made drainage and its location, as well as the history of the property. He provided the location of the wetlands on the property, as well as, the developable property and stated it was determined the site is best suited for an Open Space Subdivision and explained the requirements pertaining to the Subdivision to preserve open space. He gave details regarding the development pertaining to the proposed private road for 13 lots to include homes with a garage, as well as, the drainage plan with the rain garden and the discharge of the rain water to the wetlands. There will be two roads with the project: Isabella Drive and Adams Drive. He addressed the TRC and Conservation Commission comments and stated they grated out Adams Drive to give the Committees a better idea of the development layout. He explained the overflow parking for visitors in a central location off Isabella drive. There will be seven spaces. He stated the project would consist of a hammerhead design, and the template was submitted to the Fire Safety Inspector for analysis. He explained the reason for the waiver for the buffer, and stated there would be plantings for sound barrier. He further explained the traffic analysis and when it was conducted adjacent to Washington Street and Silver Street construction. He stated the drainage analysis has been submitted to the Engineering Department, as well as the responses to the TRC.

C.Plante requested clarification regarding sheets 135 and sheet 435 on the plans. C.Parker stated sheet 135 is the yield plan to show the density permitted.

L.Skinner confirmed the amount of open space to be created is 6.69 acres for non-development, and the amount of that open space that is not existing wetlands is 193,873 sq. ft. (approximately four acres).

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

Public hearing opened.

Cathy Vanderweil, 20 Arch Street, a direct abutter to the proposed development. She stated her property has a 100 year old drainage pipe that has been omitted from plan which is located 154 ft. from the property line. She purchased her property in 2006, and the tags are above the drainage. She stated her concern that the development would create flooding on her property causing a hardship for her due to rainwater from the street which runs down her driveway in to a catch basin at her garage. She stated the development would impact her and her neighbors.

David Ferguson, 16 Arch Street, stated his agreement with the previous concerns, as well as the 15 ft. – 30 ft. variance for construction.

Nancy Coady Carroll, 17 Arch Street, stated traffic concerns and the need and reasons for traffic calming, as well as concerns with the traffic study. There have been homes built on Tolend Road since the traffic study in 2013.

Janis Yuskaitis, 34 Arch Street, stated her concerns regarding the waiver for the right of way, the environmental impact of the development and how wildlife would be affected, traffic concerns, as well as, concerns regarding trash disposal.

Public hearing tabled.

Discussion ensued regarding the traffic study, and that it was not updated due to Silver Street construction and ideas for traffic calming on Arch Street.

C.Parker stated he will discuss the drainage issues with D.White, and will reevaluate the waiver requests and changes that could be made to the plans. He further stated the site walk would help to determine the layout and the vegetation and screening for the abutters.

W.Garrison requested the requirement for additional parking. C.Berry stated they chose that plan due to the parking prohibited on the street. C.Parker showed the location of the additional parking on the plan. K.Schuman confirmed the spaces would be maintained.

W.Garrison confirmed there would be a Homeowner Association for the trash removal. C.Berry stated they would reevaluate the trash disposal and would consider private trash removal to create zero impact. C.Parker stated they could add a note to the plan set regarding private collection.

STAFF RECOMMENDATION: (P15-50) (15-16)
The Planning Department recommends the Planning Board table the applications and schedule a site walk.

Motion: C.Plante made a motion to table items 4.D and 4.E to schedule a site walk. Seconded by F.Torr. Vote U/A

C.Parker stated the next Planning Board meeting is scheduled for December 15, 2015.

The site walk was scheduled for Saturday, November 21, 2015 at 9:00 a.m. C.Vanderweil offered her driveway for parking for the Board members. D.Ciotti stated he was unable to attend the site walk.

F. Consideration and acceptance of a Conditional Use Permit for the replacement of the Whittier Street Bridge (Owner: City of Dover), Assessor's Map 34, Lot 20B, zoned R-12 and RM-U, located at Whittier Street. (Permanent wetland impact of 4,592 sq. ft. and temporary wetland impact of 6,428 sq. ft.) *(P15-54)

C.Parker gave an overview of the application and stated the history regarding the bridge and the need for repair. The City of Dover is working with the State to rebuild the bridge. He explained the wetlands impact and that the Conservation Commission has met and endorsed the project.

D.Ciotti stated his concern with possible flooding and asked if the new bridge be higher. D.White explained the construction process for rebuilding the bridge, and how possible flooding issues would be addressed.

T.Clark requested information regarding the traffic pattern. C.Parker stated there would be signs and detours established. The project would take approximately one year to complete. The expected completion is Spring 2017.

Motion: K.Schuman 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 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 obtain a NHDES wetlands permit.

Motion: K.Schuman made a motion to approve subject to the staff recommended conditions. Seconded by W.Garrison. Vote U/A

G. Public Hearing to consider and possibly vote on amendments to Chapter 149, entitled "Site Review Regulations" of the code of the City of Dover. Amendments include revised parking regulations in section 149-14-D.

C.Parker gave an overview of the parking regulations process.

C.Plante requested input from the public before passing regulations for parking. D.Ciotti stated this information was posted for the public. C.Parker stated the only questions received were from professional development agents, and he stated the changes to the regulations for multi-family residential units and shared parking where they have received positive feedback.

Public hearing opened. Nobody spoke. Public hearing closed.

C.Plante stated her concern regarding the reason the Committee addressed the parking regulations due to the amount of waivers for parking with the Conditional Use Permits requested. She explained the options available to the Committee and the change established to the requirements to put in maximums. She requested the need for more public input on the matter. K.Schuman stated the parking was vetted through workshops provided, and due to the little public feedback, he recommended not to delay any further.

Motion: K.Schuman made a motion to approve the amendment. Seconded by T.Clark. Vote 8/1

5. STAFF COMMENTS

C.Parker presented a lot merger for lot restoration for the Board members to approve. It does not require a public hearing. D.Ciotti read the lot merger for 30-32 East Watson Lane to the Board members who agreed with a show of hands.

C.Parker stated the parking garage will be open next Wednesday for a grand opening, and there would be an opportunity to park in the garage for the holiday parade.

C.Parker stated the Silver Street construction and landscaping is almost complete. He confirmed with D.White the date of completion to be by November 20, 2015.

D.Ciotti stated people wanted to cross Silver Street at Belknap. C.Parker stated the crosswalks established are at the safest locations for people to cross. D.White stated they are still discussing those locations.

C.Parker recognized Elena Piekut for the work and time spent learning the State regulations and working with the company for the Alternative Treatment Center.

C.Parker stated the City Council has established the Heritage Commission to protect historical resources within the community. This Commission will be working with the master plan. C.Parker and D.Ciotti will evaluate recommendations for the Committee.

6. MEMBER COMMENTS

F.Torr stated he would like to see the stop signs the at intersection at Washington Street established as permanent with a flashing light added to slow traffic. D.Ciotti stated there have been no incidents at Long Hill Road since they put in stop signs and lights. C.Parker will bring suggestions to the Transportation Advisory Commission.

7. ADJOURNMENT

Motion: K.Schuman made a motion to adjourn at 9:12 p.m. Seconded by L.Skinner. Vote: U/A