

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - City Hall, 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, January 12, 2016**
Meeting Time: **7:00 pm**

Members Present: Frank Torr (Chair), Kirt Schuman (Vice Chair), Tom Clark, Catherine Plante, Christopher Lawrence, Gina Cruikshank, Maggie Fogarty (Alternate), Curtis J. Pratt (Alternate), Deborah Thibodeaux (Alternate Councilor)

Members Not Present: Dennis Ciotti (Councilor), Lee Skinner, Dave White

Staff Present: Christopher Parker (Assistant City Manager), Steve Bird (City Planner), Donna Benton (Assistant City Planner), Elena Pickut (Assistant City Planner), Dave Carpenter (Community Development Planner), Tracy Smith (Recording Secretary)

The Vice Chair called the meeting to order at 7:01 p.m.

1. CONSIDERATION AND POSSIBLE VOTE ON REVISED PLANNING BOARD BYLAWS AND RULES

C.Parker clarified and reviewed the items for the Board members to consider.

Motion: T.Clark made a motion to amend the Planning Board Bylaws and Rules to allow Alternate Board Members to vote. Seconded by C.Plante. Vote U/A

Motion: T.Clark made a motion to approve the Planning Board Bylaws and Rules as amended. Seconded by G.Cruikshank. Vote U/A

K.Schuman welcomed G.Cruikshank as a regular Board member.

2. ELECTION OF OFFICERS

Motion: G.Cruikshank made a motion to nominate F.Torr as Planning Board Chair. Seconded by C.Lawrence. Vote U/A

Motion: C.Lawrence made a motion nominate K.Schuman as Planning Board Vice Chair. Seconded by F.Torr. Vote U/A

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

3. CITIZENS' FORUM

Citizens Forum Open. Nobody Spoke. Citizens Forum Closed

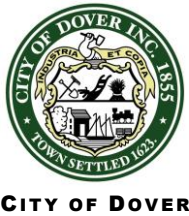
4. APPROVAL OF THE PRIOR MINUTES

- December 15, 2015 Regular Meeting Minutes

Motion: K.Schuman made a motion to approve the December 15, 2015 Regular Meeting Minutes. Seconded by G.Cruikshank. Vote U/A

5. OLD BUSINESS

None



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6. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for Frank Leichthammer, Assessor's Map L, Lot 58G, zoned R-20, located at 15 Cote Drive. (to construct a garage in the Conservation District within 48' of a tidal river)*(P15-59)

C.Lawrence recommended a site walk for this application. He recused himself due to discussions he had with F.Leichthammer and abutters to the property. C.Parker clarified the reason for his recusal.

C.Parker gave an overview of the application.

Frank Leichthammer presented his application and stated the reason for the application is to build a garage. He stated he spoke with C.Lawrence who also spoke with Pat Rose. Laurie Leichthammer was also present.

F.Leichthammer answered questions regarding the location and information pertaining to the structure. He stated the Conservation Commission agreed with the location chosen by the applicant as acceptable, and they requested grass on both sides of the structure for runoff. He stated the State requirements regarding the reference line, and reviewed the reference line on the plan provided in the Planning packet. He stated the paved area would remain the same and the 20% threshold has not been exceeded. He also confirmed the property has not been professionally surveyed, and that there is a fence between properties, as well as a shed that belongs to P.Rose.

C.Plante confirmed with C.Parker that the Conservation Commission did not do a site walk on the property.

Motion: G.Cruikshank made a motion to accept the application. Seconded by C.Plante. Vote U/A

Public Hearing Open.

F.Torr read the email from the Gordon and Donna Sullivan, 19 Cote Drive, which stated their support of the application.

F.Leichthammer distributed copies of a signed petition of 13 abutters who have no objection with the application.

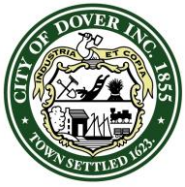
Patricia Rose, 17 Cote Drive, expressed her concerns and stated her objections to the application. See P15-59 file to review copy of the packet of material she provided.

Jeff Owens, 17 Cote Drive, spoke against the application and expressed concerns regarding drainage issues which affect his property and could possibly affect the State project pertaining to the Great Blue Heron.

F.Leichthammer stated his rebuttal and provided photocopies to show images of the privacy screens the abutters have placed on their property. He stated he has the building permits for review if needed.

Public Hearing Closed.

C.Parker reviewed the comments and explained the jurisdiction of the Planning Board. He stated the Conditional Use Permit (CUP) would not be granted without the Department of Environmental Services (DES) Wetland Permit. He clarified the regulations and setbacks associated with that District, and that the height pertains to the Building Department and Zoning Board.



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STAFF RECOMMENDATION:

The Planning Department concurs with the Conservation Commission and requires that the garage is no closer to the river than the existing deck. 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. NH DES Wetlands Permit is granted and a copy of the permit submitted to the City.
2. The disturbed area around the garage be loamed and seeded with grass to mitigate the runoff.

C.Parker answered questions regarding erosion issues to the shoreline, options for the applicant on height issues regarding the structure, and the DES condition regarding the 20 ft. side setback and the reference line.

D.Thibodeaux recommended a site walk.

F.Torr requested a show of hands for those members who were in favor of a site walk. Vote 3/5 not in favor of site walk.

C.Parker answered questions regarding impervious surface calculation and conditions regarding the waiver. He addressed the request for a professional stamp on the plan, and a professional survey for the structure and boundaries, and added the following condition:

3. A survey of the structure in relation to the side setback, open space requirement, and reference line of the shoreline shall be submitted to the Department of Planning and Community Development. Said survey shall be reviewed and approved by the Director of Planning as being in conformity with material submitted and representations made by the applicant.

Discussion ensued regarding the regulations and reasons to consider the CUP. C.Parker explained the options regarding interpretation of the regulations and recommended the Board members consider the situation and hardship of the applicant and abutter. C.Pratt agreed with C.Plante regarding the need to adhere to the regulations.

Motion: M.Fogarty made a motion to approve subject to staff recommended conditions. Seconded by G.Cruikshank. Vote 6/2 opposed

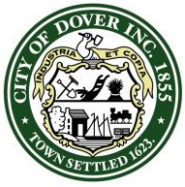
B. Discussion of Land Use Amendments

C.Parker reviewed each section of the distributed document with the Board members, and addressed additional comments regarding hedge/fence heights, building height, accessory dwelling units, packet materials, and Storm water permits. He stated the Board members would create subcommittees to work on the issues.

7. STAFF COMMENTS

C.Parker addressed the memo in the packet regarding upcoming topics and stated Dave Carpenter will go over the Community Development process with the Board members at the next meeting.

C.Parker stated improvements were made to the abutter notices where a generic email had been created for abutters to review project files at City Hall and send their comments via email if unable to attend in person.



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8. MEMBER COMMENTS

C.Parker addressed the Board member comments. He clarified the protocol for site visits made by individual Board members, and gave an overview regarding the Staff changes in Community Development and how that affected monitoring the block grant finances.

F.Torr clarified the 6/2 vote count for item 6.A, and that he prefers to give each person the necessary time to speak rather than setting a time limit. He explained L.Skinner's absence was due to a medical issue.

9. ADJOURNMENT

Motion: K.Schuman made a motion to adjourn at 8:49 p.m. Seconded by G.Cruikshank. Vote: U/A