

CITY OF DOVER

DOVER PLANNING BOARD – AGENDA

REVISED

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall, 288 Central Avenue
Meeting Date: **Tuesday, February 23, 2016**
Meeting Time: **7:00 pm**

1. CITIZENS' FORUM

2. APPROVAL OF THE PRIOR MINUTES

- February 9, 2016 Regular Meeting Minutes

3. OLD BUSINESS

4. NEW BUSINESS

A. Impact Fee Waiver Request for Stabile Homes at Pointe Place, LLC, Assessor's Map K, Lot 19-3, located at Sierra Drive. (Waiver of School Impact Fee per 170.23-F-1-a, 31 units of housing for older persons (55+).

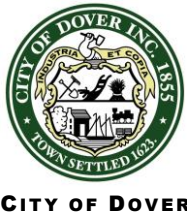
B. Consideration and Possible Posting of Proposed Area Rezoning of Land.

5. STAFF COMMENTS

6. MEMBER COMMENTS

7. ADJOURNMENT

*Indicates that if the application is accepted for discussion, the public hearing will be held the same evening, at which time any interested party may offer comment to the Planning Board. Persons with questions or wishing to see the plans are invited to visit the Planning Office, Monday through Thursday from 8:30 am to 5:30 pm and Friday 8:30 am to 4:00 pm. You may also view materials at www.dover.nh.gov, a map showing project locations can be found at <http://www.dover.nh.gov/government/city-operations/planning/index>. Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>.



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - City Hall, 288 Central Avenue
Meeting Date: **Tuesday, February 9, 2016**
Meeting Time: **7:00 pm**

Members Present: Frank Torr (Chair), Kirt Schuman (Vice Chair), Dennis Ciotti (Councilor), Tom Clark, Dave White, Catherine Plante, Maggie Fogarty (Alternate), Curtis J. Pratt (Alternate), David Landry

Members Not Present: Lee Skinner, Christopher Lawrence, Gina Cruikshank

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

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

1. CITIZENS' FORUM

Citizens Forum Open. Nobody Spoke. Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- January 26, 2016 Regular Meeting Minutes

Motion: K.Schuman made a motion to approve the January 26, 2016 Regular Meeting Minutes. Seconded by D.Ciotti. Vote U/A

3. OLD BUSINESS

F.Torr welcomed D.Landry as a new Planning Board member.

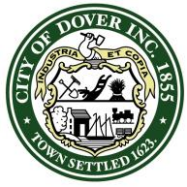
4. NEW BUSINESS

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

- Consideration and acceptance of a Site Plan Review for Vitas Management & Development Co., LLC, (Owner: Profero Management and Holdings, LLC), Assessor's Map 11, Lot 2, zoned B-3, located at 181 Silver Street. (Proposal is to construct a 72,360 sq. ft. Assisted Living Facility with 76 units, a 2,930 sq. ft. Bank, a 66,000 sq.ft. Medical Office Building, a 2,400 Coffee Shop, and an 85 unit hotel with a 13,900 sq. ft. footprint. The mixed use site propose 407 parking spaces). *(P15-56)
- Consideration and acceptance of a Conditional Use Permit for Vitas Management and Development Company, LLC (Owner: Profero Management and Holdings, LLC), Assessor's Map 11, Lot 2, zoned B-3, located at 181 Silver Street. (Proposal is for a non-residential development with a wetland impact of 24,454 sq. ft.). *(P15-55)

F.Torr stated he is listed as an abutter with this project and explained that he has no financial interest in the project and would sit in. There was no objection.

C.Parker gave an overview of the applications and stated the City has been working with the applicant and the New Hampshire Department of Transportation (NHDOT) regarding four right of ways that converge at Exit 8 and Silver Street. The applicant agreed to a development agreement with the City regarding the roundabout cost. He stated the Conditional Use Permit is pending Conservation Commission review, and would also attend the site walk if scheduled.



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Bob Clark, Allen & Major Associates, Inc., represented the applicant and explained the details regarding the project and the reason for the waiver. He displayed and explained the plans regarding the buildings, parking, sidewalks, storm water, utilities, landscaping and screening. Kevin Dandrade from The Engineering Corp, Inc, (TEC), Jim Gove, Ari Pollack, Jim Vitas, Alex Vailas, and representatives from the assisted living were also present.

K.Dandrade stated the details regarding the traffic summary. He stated they have been working with the City and NHDOT regarding the focus on the gateway and the roundabout. He displayed plans and explained the challenges to the site regarding the horizontal curve and the traffic calming feature of the roundabout with a center island and landscaping.

B.Clark answered questions and clarified information in the plans regarding the dumpsters, the tree line and vegetation, walkways, parking locations, lighting, and refurbishing the existing signs. C.Parker stated the signs fall under administrative review and the existing signs would have a new face.

Discussion ensued regarding the landscaping and plowing. C.Parker suggested the roundabout be named the McIntosh Circle to recognize the family in the area. As part of the gateway, there will be a “Welcome to Dover” sign there with landscaping. He stated they will work with the team on the landscaping. He explained there will be snow plowing maintained between the City and the State for that area.

Discussion continued regarding the need for a traffic calming effect with the roundabout. K.Dandrade stated they would advocate for a single lane rather than double, and confirmed that a large tractor trailer could maneuver the single lane. He confirmed there would be space available for emergency vehicles, and snow would pile up on the island and not the apron of the roundabout.

B.Clark displayed the plans and clarified the areas to collect storm water. He explained the storm water, what islands will have tree plantings, and the parking design intent in response to D.Landry’s questions.

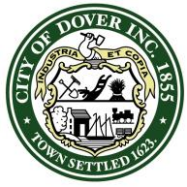
D.Ciotti requested information regarding the back of the assisted living facility and lighting. B.Clark stated the information regarding the trees and landscaping proposed and displayed plans to show the area. C.Parker stated the height of elevation for the lighting will be shown at the site walk.

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

Public Hearing Opened.

Dennis Duffy, 163 Silver Street, stated his concerns regarding building near the wetlands, traffic safety and congestion, as well as possible problems in the event of an evacuation. He further stated his concern regarding the impact to the surrounding homes in the area. He requested how far the property would be from his property line. F.Torr stated it would be staked out at the site walk. C.Parker clarified the setback information.

Terry Picard, 192 Silver Street, requested information regarding H84-6 and H79-17 and stated her concerns regarding height issues for the area, the hotel/restaurant capacity and selling liquor, as well as the impact to the wetland and the wildlife. She requested clarification to the small retail space on the plan which was not listed, and requested the wording be removed. She stated her concerns with Dunkin Donuts and the impact of this coffee shop to the neighborhood, and requested a more traditional coffee shop be located at the site.



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Barbara Trough, 192 Silver Street, stated she shared the same concerns as T.Picard and expressed additional traffic concerns, as well as traffic and noise concerns caused if Dunkin Donuts were allowed to be located there. She further stated her concerns regarding the lighting on the signs and the number of safety lights.

Dawn Duffy, 163 Silver Street, stated her concern regarding the traffic study and asked if there would be an independent traffic study completed when school is in session.

Public Hearing Tabled.

C.Parker addressed the abutter concerns regarding the wetlands, evacuation and public safety, the variance regarding the signs and that the existing signs can only be refaced, H84-6, and that the hotel will not have a banquet or conference room. He clarified the proposed buildings, the uses and what the Board is being asked to approve, and the coffee shop is an eating/drinking establishment which Dunkin Donuts falls into. He stated the restaurant could sell liquor, but that Dunkin Donuts does not; however, if Dunkin Donuts folds another restaurant could go in that does. He stated he received two emails regarding this matter and will follow-up. He further stated the City does limit the hours of the drive-through. He further addressed the traffic concerns and traffic study.

C.Parker addressed the email from Mark and Suzanne Jones and their concerns as abutters regarding the wetlands impact, a proposed a roadway connection through his project, loading zone, screening, perimeter landscaping, wildlife impact, and density. He stated a copy of the email would be supplied to the applicant.

B.Clark displayed plans and addressed the abutter concerns regarding the setbacks.

C.Plante stated her concerns with the traffic study being completed in August with a spot check in January, adding that UNH was not in session either time. C.Parker stated there will be a request for an update for a traffic study when school is in session.

K.Schuman requested justification on the maximum for parking, and addressed shared parking. B.Clark explained the parking space amounts are user specific for safety and the design is to interconnect and yet giving the buildings their own space.

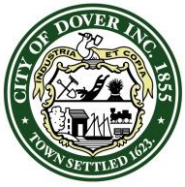
D.Landry suggested this project for the ARM fund for wetland mitigation and improving the existing wetland. C.Parker explained the wetland project, and stated this project would generate funds for the ARM fund.

D.Landry suggested the parking lots be evaluated, and explained parking lot designs in Florida which create a big and yet private feel with trees making parking lots attractive. C.Parker stated they can look at the landscaping and islands again to make adjustments.

STAFF RECOMMENDATION: (P15-56) (P15-55)

The Planning Department recommends that the Planning Board table the discussion to schedule a site walk for this project.

Discussion ensued regarding the site walk, the areas to be staked out, and the need to coordinate with the Conservation Commission for their review of the Conditional Use Permit application on March 14, 2016. The site walk was scheduled for February 20, 2016 at 9:15 a.m. with a follow-up meeting for March 22, 2016.



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Motion: K.Schuman made a motion to table items 4.A and 4.B to March 22, 2016. Seconded by D.Ciotti. Vote U/A

- C. Overview of Community Development Block Grant program presented by Community Development Planner Dave Carpenter.

D.Carpenter informed the Board members of the process and timeline for review of the program. He stated the applicants would be presenting their applications for review at the March 8, 2016 Planning Board meeting. He answered questions regarding how those applications that have received funds are monitored, as well as eligibility of applicants.

C.Parker stated the Board members would receive the applicant information at the February 23, 2016 meeting in binders to review the information prior to the March 8, 2016. He explained the time available for review, feedback, and evaluating the numbers with the overall deadline of May 15, 2016.

5. STAFF COMMENTS

C.Parker addressed the Master Plan Transportation Chapter and the topics that will be addressed, the need for more than one Planning Board member, and outreach to the Community to encourage involvement. There will be Committees established as part of the Chapter update.

C.Parker reminded the Board members of the Office of Energy and Planning conference on April 23, 2016. Any Board members interested need to contact the Planning Department.

C.Parker stated there are plans to move forward to complete the Community trail due to grant funds received last year. The project is expected to be completed in a year to a year and a half.

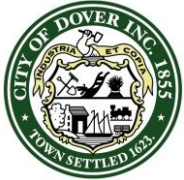
C.Parker addressed the flyer distributed to the Board members regarding the Open Lands Committee Full Moon Snowshoe Hike on February 20, 2016.

6. MEMBER COMMENTS

D.Ciotti stated a citizen asked why the Community trail was not plowed or maintained for pedestrians. C.Parker explained the sidewalk maintenance plan and clarified the recreational areas are cleared after the main sidewalks. He stated he would notify the Staff at the Community Service Department of the concern.

7. ADJOURNMENT

Motion: K.Schuman made a motion to adjourn at 9:01 p.m. Seconded by D.Ciotti. Vote: U/A



CITY OF DOVER

PLANNING BOARD - STAFF MEMO

Application Type:	Impact Fee Waiver Request
Applicant:	Stabile Homes at Pointe Place LLC
Owner:	Stabile Homes at Pointe Place LLC
Location:	Sierra Drive (Assessor's Map K, Lot 19-3)
Meeting Date:	February 23, 2016

INTENT: To obtain a waiver from the school impact fees assessed for 31 single family homes as part of the Pointe Place Subdivision.

LOTS/UNITS PROPOSED: 31 previously approved units

AGENDA ITEM #: 4-A

ACREAGE: 12.47 acres

ZONING DISTRICT:

Executive and Technology Park (ETP) and Residential-Commercial Mixed Use (RCM) Overlay

EXISTING LAND USE:

Vacant

PROPOSED LAND USE:

31 Single family age restricted homes

SURROUNDING LAND USE:

Single family residential

ZBA ACTION: None

ATTACHMENTS:

Impact Fee Waiver Request Form and letter

PERMITS REQUIRED:

None

WAIVERS REQUESTED: Impact Fee

NOTICES SENT: There is no abutter notice required for an impact fee waiver.

Summary of Request and Background

The applicant is asking for a waiver to the school portion of the Impact Fee Ordinance – Chapter 170-23, in accordance with section F(1)(a). The Recreation, Police and Fire impact fees will be paid in full.

The Impact Fee Ordinance was approved by the City Council on 1/22/03 and the Planning Board adopted the School Impact Fee in February of 2003 and the rest of the fees in October of 2008. Updated fees were adopted in 2013.

The Planning Board approved these residential units on November 18, 2014.

Federal law permits up to 20 percent of the units to be excluded from the 55 and over requirement. The Planning Department believes there should be a consistency with the waivers granted between similar projects. There have been three other 55 and older applications that have received reductions to only have to pay 20% of the school impact fees during their Planning Board approvals. Those projects include the Tolend Road/Columbus Ave project (P03-36), The Village at Thornwood Commons (P06-55), and VC Dover Investments, LLC (P06-25).

Consistency with Land Use Regulations

The ordinance provides for the Planning Board to grant full or partial waivers of impact fees if one of three criteria is met. In this case the applicant is applying for the criteria for residential units for senior citizens age 62 and over, which reads as follows:

- (a) *An APPLICANT may request a full or partial waiver of school IMPACT FEES for those residential units that are lawfully restricted to occupancy by senior citizens age sixty two (62) or over in a development that is also maintained in compliance with the provisions of RSA 354-A: 15, Housing For Older Persons. The PLANNING BOARD may waive school IMPACT FEE ASSESSMENTS on such age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy by senior citizens age sixty two (62) or over for a period of at least twenty (20) years.*

STAFF RECOMMENDATION:

The requested waiver of the full school impact fee does not meet the criteria for waivers listed in Chapter 170-23-F(1)(a). However, the Planning Department recommends that the Planning Board reduce the school impact fee to equal 20 percent of the single family housing impact per unit, at the time of the building permit application, consistent with three previous, similar requests.

Stable Homes at Pointe Place



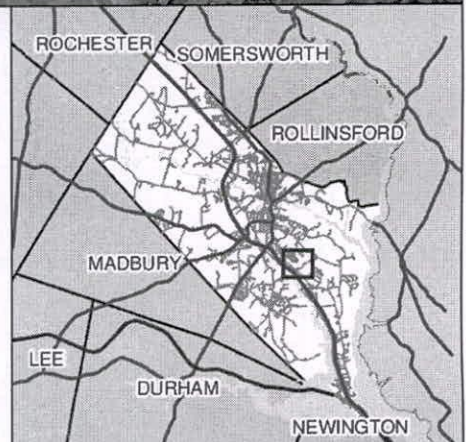
Property Information

Property ID K0019-000000
Location DOVER POINT RD
Owner VARNEY BROOK LANDS LLC

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

The City makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated January 1, 2015





City of Dover, New Hampshire Impact Fee Waiver Request Form

[Revision Date: October 19, 2011]

Office Use Only	Date Received: <u>1/29/16</u>	Date of Planning Board Meeting: <u>2/23/16</u>
	Waiver Request #: <u>#49</u>	

PROPERTY OWNER AND PARCEL INFORMATION

Name of Property Owner: Stabile Homes at Pointe Place, LLC Telephone # 889-0318 x205

Address of Property Owner: 20 Cotton Rd., Nashua, NH 03063

Address of Property Being Assessed Impact Fee: Sierra Dr.

Assessor's Map # K-019 Lot(s) # Lot 2

Type of Building Proposed (check one):

RESIDENTIAL

- ☒ Single Family Detached
☐ Single Family Attached (townhouse)
☐ Duplex or 3-Unit Structure
☐ Multi-family Structure (4+ Units)
☐ Manufactured Home

NON-RESIDENTIAL

- ☐ Retail, Restaurant, or Club building
☐ Office or Commercial Services building
☐ Industrial, Transportation, Warehouse or Communication Building
☐ Nursing Home or Assisted Living Building
☐ Other Institutional Use Building

Amount of impact fee invoiced by City: \$ 3,654.00

Use the space provided to explain why you feel that the impact fee assessed for your property should be waived by the Planning Board, per Chapter 170-^{28.7} G. (attach additional sheet if necessary):

Sierra Dr. is approved for 31 units of over 55 senior living. Therefore there will not be children in the units.

Owner's Signature [Signature]

1/29/16
Date

FOUGERE PLANNING & DEVELOPMENT Inc.

Mark J. Fougere, AICP

253 Jennison Road Milford, New Hampshire 03055

phone: 603-315-1288

fax: 603-249-9314

email: Fougereplanng@comcast.net

February 1, 2016

Mr. Christopher Parker, AICP
Assistant City Manager
Director of Planning and
Strategic Initiatives
City Hall
228 Central Avenue
Dover, NH 03820

Dear Mr. Parker,

On behalf of the Stabile Companies and pursuant to the City of Dover's Impact Fee Ordinance, Section 170-23 – F Waivers, we formally request a waiver from the school impact fee assessments as they relate to the Pointe Place (Sierra Drive) age restricted development project. This 31 unit single family detached age restricted development was approved by the Planning Board and will soon be under construction. School Impact Fees charges, as they relate to the Pointe Place project, do not meet the Statutory Criteria outlined in RSA 674:21 as the charges are not "reasonable related to the capital needs created by the development".

School impact fees have been assessed in Dover for a number of years, with the present fees relying upon the findings noted in a report produced by Mr. Bruce Mayberry on September 29, 2008. This Report made the following recommendations for school impact fees:

Housing Type	Impact Fee	Estimated School Children Enrollment
Single Family Detached	\$3,654	.3694
Townhouse	\$1,340	.3059
2 – 3 Family	\$3,618	.1112
Apartments 4+	\$1,054	.1629
Manufactured	\$3,110	.2536

The Report goes into significant detail on how these fees are justified including projected schools construction costs and the associated impacts from new students coming from residential developments. As noted in Table 7 of his Report and outlined in the above Table, single family homes generate the most school age children at .3694 students per unit. Other housing types generate less school age children. This student generation estimate is directly tied to the amount of the recommend impact fee; the higher the enrollment projection the higher the fee. There is a direct correlation between the projected impact of school children and the fee, with single family homes generating the most children and therefore having the highest impact on school capacity.

The residential units at Pointe Place are age restricted housing developments per RSA 354-A: 15, with at least one person required to be 55 years of age. The School Impact Fees charged for these age restricted units do not recognize the limited impact that the project has on the Dover School system, there is no rational nexus between the school fee being charged and the impact to school enrollments.

Table One, attached, summarizes findings from a review of 840 age restricted units in the New Hampshire along with the number of school children residing in each development. The resulting findings from this research show that only .013 students per unit reside in these age restricted properties. Based on these findings, the proposed 31 unit development will have one child residing within the project. This outline clearly demonstrates the minimal impact age restricted housing developments have on a school system. The adjoining Sawyer Green project, which is fully occupied, is a clear example with only one student living in the 67 unit development.

State Statute 674:21 states that impact fees are charged *"to meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the municipality"*, along with *"New development shall be assessed a proportional share of the municipal capital improvement costs which are reasonable **related to the capital needs created by the development** referenced above and to the benefits accruing to the development from the capital improvements financed by the fee. New development shall be assessed a proportional share of new improvement costs, insofar as new growth **places an increased burden** on the municipality's capital facilities.."*. It is clear from the data submitted that the assessment of school impact fees on the Pointe Place project are not supported by impacts to the City's capital costs. If there are few children living in these age restricted projects and research proves that such age restricted projects generate few children then there is *"no need occasioned by"*, *no capital needs created*, as well as no *"increased burden"*, all legal tests that are required prerequisites for charging a school impact fee. School impact fees can only be charged when there is a sound probability that school age children will actually live there.

The City's impact fee consultant, Mr. Bruce Mayberry, has noted in impact fee reports¹ for other communities that school impact fees should not be applied to age restricted developments. Mr. Mayberry, who has written a majority of the impact fee reports for communities in the State, makes this finding because of his clear understanding that there needs to be a concise nexus between the fee charged and the impact to the community. This required relationship does not exist with the school impact fees being charged to Pointe Place.

¹ Henniker School Impact Fee report, 2005.

Given these noted findings the proposed school impact fee charges do not meet New Hampshire statutory requirements, for there is no "need" or "increased burden" placed on the Dover School system from the development. Projected per unit enrollments for age restricted projects are .013 per unit while the City's Impact Fee reports a ratio of .369 students per unit, a significant difference. Based on these findings, we respectfully request that the School Impact fees be waived in full. If the Planning Board feels that some fee should be charged, then it must reflect the potential minimal impact that may occur with age restricted housing, with a per unit charge significantly less than charges applied to multi-family housing.

Sincerely,

Mark J. Fougere

Mark J. Fougere, AICP

Table One
Age Restricted, Age 55+ Housing Communities

Town	Project Name	Num. Of Units	Unit Types	# School Children
Dover	Sawyer Green	67	Single Family	1 ²
Bedford	The Mews	108	Single Family	7 ³
	Riverwalk	90	Single Family & Garden	0
Hudson	Abbie's Landing	22	Single Family	0
	Hudson Meadows	12	Single Family	0
	Reeds Brook	31	Single Family	0
	Lexington Place	34	Single Family	0
	Sparkling River	34	Single & duplex	3
Londonderry	Parish Hills	37	Single Family	0
	Forest Hills	65	Single Family	0
	Buttrick Village	40	Triplex	0
	Harvest Village	45	Duplex	0
	Sugarplum	36	Single & duplex	0
Merrimack	Parker Village	99	Single Family & Garden	0
	Souhegan River View	45	Single, duplex & Quad	0
Nashua	Colliston Yard	75	Garden	0
	Total Units/Children	840		11
	Children per Unit	.013		

² One Kindergarten student, confirmed by Dover Superintendent's Office

³ Six high school children reside here.