DOVER PLANNING BOARD – MINUTES

CITY OF DOVER

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers - City Hall, 288 Central Avenue
Meeting Date:	**Tuesday, March 22, 2016**
Meeting Time:	**7:00 pm**

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

Members Not Present: Kirt Schuman (Vice Chair)

Staff Present: Christopher Parker (Assistant City Manager), Donna Benton (Assistant City Planner), Tracy Smith (Recording Secretary), Dave Carpenter (Community Development Planner), Dan Barufaldi, Dover Business Industry and Development Authority (DBIDA) (Director)

The Chair recognized L.Skinner to sit in for K.Schuman.

The Chair recognized D.Landry to sit in for L.Skinner.

The Chair stated item 4.A would not be heard tonight. C.Parker clarified the applicant withdrew the application.

The Chair called the meeting to order at 7:00 p.m.

1. CITIZENS' FORUM

Citizens Forum Open. Nobody Spoke. Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- March 8, 2016 Regular Meeting Minutes

Motion: L.Skinner made a motion to approve the March 8, 2016 Regular Meeting Minutes. Seconded by G.Cruikshank. Vote U/A

3. OLD BUSINESS

A. Discussion and possible vote on Community Development Block Grant (CDBG) Funding requests for Federal Fiscal Year 2016/2017.

C.Parker addressed the document regarding the amounts to be distributed to the various applicants and allocations, and stated D.Carpenter was available to answer questions.

Discussion ensued regarding possible conflicts of interest. There were none and no objections.

Discussion ensued regarding concerns with the lack of client information on the End 68 Hours of Hunger application, and the need for thorough information next year.

Motion: C.Lawrence made a motion to remove the allocated amount from the End 68 Hours of Hunger and distribute the amount to other applicants. There was no second.

Discussion ensued regarding other federal funds Community Action Partnership of Strafford County (CAP) and Dover Housing Authority (DHA) could receive for their projects.

C.Parker explained the eligibility for applicants in the federal funding entitlement program and the State program. He answered questions regarding the administrative cost functions and when the grant money has to be spent. Discussion continued regarding removing the allocated funds of $50,000 from CAP and DHA, and disbursing the funds to the Triangle Club and the Woodman Institute.

Motion: G.Cruikshank made a motion to eliminate the $30,000 amount for CAP, and the $20,000 amount for the DHA, and split the funds between the Triangle Club ($25,000 additional) and the Woodman Institute ($25,000 additional). Seconded by D.Ciotti. Discussion ensued regarding the need of the Woodman Institute in comparison to the needs of the other applicants whether it fits the urgency to meet the needs of low to moderate income. D.Carpenter confirmed the barrier removal eligibility for CDBG funds. Discussion continued regarding evaluating the project, need, and funds for the Triangle Club. C.Parker explained the timeline for the CDBG grant to the Board, and the ramification to the possibility of tabling their decision to the next meeting. Vote: 5/4 Passed

Motion: L.Skinner made a motion to recommend to the City Council as modified. Seconded by G.Cruikshank. Vote: 6/3 Passed

B. Public Hearing and possible vote on a proposed amendment to the Zoning Ordinance (Chapter 170), per NH RSA 675:2 & 675:7, to rezone a 16 acre parcel, known as Assessor's Map D, Lot 12, located at 447 Sixth Street and Production Drive from Rural Residential (R-40) to Assembly and Office (I-4).

C.Parker displayed the map on the screen for viewing, and stated notification had been sent to the public. He clarified the options for the Board's decision. Dan Barufaldi, DBIDA Director, and Scott Johnson, DBIDA Board member, were present.

Public hearing opened.

Emily Rose, 7 Quail Drive, spoke against the proposal and stated her concerns regarding the possible decrease to her property value and concern for the wildlife and the impact to the neighborhood.

Barb Civiello, 3 Quail Drive, spoke against the proposal and stated she has similar concerns. She requested additional information to the proposal.

Public Hearing paused.

C.Parker explained the proposal regarding the purpose and intent of rezoning the property, and clarified the setbacks and uses for the I-4 District zone, and noted the uses in the R-40 District zone.

Public hearing continued.

Susan Treleaven, 454 Sixth Street, spoke against the proposal and stated her concerns regarding the continuation of commercial development when the abutters are against it. She further stated her concern with development with no access off Sixth Street.

Kerry Ellen McLeod, 24 Quail Drive, spoke against the proposal and her agreement with the neighbors.

Kristen Banaian, 11 Quail Drive, spoke against the proposal and her agreement with the neighbors.

Kathleen Colitti, 12 Quail Drive, spoke against the proposal and her agreement with the neighbors.

Chris Triconi, 28 Quail Drive, spoke against the proposal and his agreement with the neighbors.

Nevin Brown, 7 Quail Drive, spoke against the proposal and his agreement with the neighbors.

Dawn Duffy, 163 Silver Street, stated her concern regarding the Board voting on rezoning the area when there is no application.

Emily Rose, 7 Quail Drive, requested clarification regarding the 150 ft. setback to confirm the building would be from the property line and not the house.

S.Johnson addressed the abutter comments and explained the status regarding the commercial properties on Venture Drive and Quality Way. He further explained the reason for the proposal.

Stephen Blakney, 454 Sixth Street, stated it's time to consider that Dover has peaked in industrial developing, and the people should take precedence over the development.

Kristen Banaian, 11 Quail Drive, stated her concern regarding the neighbors who recently moved in to the neighborhood.

C.Parker addressed the abutter concerns and further addressed the map displayed for viewing. He explained the buffer, boundaries, and setbacks regarding commercial development. He stated City Council goals regarding commercial zoned land, and provided clarification regarding the notices that were sent out. He stated the property owner of 447 Sixth Street was aware of the proposal.

Jim Civiello, 3 Quail Drive, spoke against the proposal and his agreement with the neighbors, plus concerns regarding traffic.

Public hearing closed.

C.Parker gave the Board their options and stated the information regarding the process with the City Council, adding the public is invited to attend.

Discussion ensued regarding the comparison of subdivision development, and comparing the setbacks, property values, and traffic with the current zoning.

Motion: T.Clark made a motion to table pending additional information. Seconded by D.White. Vote 8/1

The Chair announced a two minute recess at 8:39 p.m.

The meeting reconvened at 8:46 p.m.

D.Ciotti made a motion to reopen the public hearing. Seconded by L. Skinner. Vote U/A

D.Ciotti made a motion to continue the public hearing and table the item. Seconded by C.Lawrence. Vote U/A

F.Torr stated items 3.C and 3.D would be heard together.

C. Consideration and possible vote on 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 2,300 Coffee Shop, and a 66 unit hotel with a 20,472 sq. ft. footprint. The mixed use site proposes 382 parking spaces). *(P15-56)

D. Consideration and possible vote on 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)

Motion: L.Skinner made a motion to remove items from the table and reopen the public hearing. Seconded by D.Ciotti. Vote U/A

C.Parker gave an overview regarding the status of the proposed project.

Ari Pollack, Gallagher, Callahan & Gartrell, P.C., represented the applicant and stated Bob Clark from Allen & Major Associates, Inc., Kevin Dandre from The Engineering Corp, Inc., Eric Reuter from Reuter Associates, LLC., Alex Vailas, Italo Visco were also present. He explained the project plan update and the reasons for the waivers. The project plans were displayed for viewing. He answered questions regarding the lighting and utility plans.

Discussion ensued regarding the architectural design of Dunkin Donuts and the need for a more attractive design.

T.Clark provided changes to the fire truck turn plan on sheet TR1 of the utility plan. C.Parker stated this could be added as a condition and stated the revision.

C.Parker answered questions regarding the status of the wetland permits, and read K.Schuman's letter.

A.Pollack answered questions regarding safety issues with the Dunkin Donuts drive thru, the architectural design of the medical building and hotel, landscaping, and sheet C1 of the plan set. He clarified the architectural designs are pending further review. He addressed the letter distributed to the Board members from K.Schuman, and stated he was not present for the presentation.

Public Hearing reopened.

Dawn Duffy, 163 Silver Street, spoke against the project and stated her concerns regarding traffic, noise, changes in the variance, and a seven day construction week.

Terry Picard, 192 Silver Street, spoke against the project and stated her concerns regarding architectural consistency for the area, limiting construction to no weekends, traffic due to Dunkin Donuts, property values diminishing, and noise pollution. She requested the waiver be denied.

Barbara Trow, 192 Silver Street, spoke against the project and stated her concerns regarding traffic and noise.

Dennis Duffy, 163 Silver Street, spoke against the project and stated his agreement with his neighbors. He further stated his concerns regarding traffic and enforcement if the conditions are ignored.

Dawn Duffy, 163 Silver Street, stated further concern with the traffic study in association with anticipated traffic from Dunkin Donuts.

Public hearing closed.

C.Parker addressed abutter concerns and emails from the abutters regarding noise, traffic, construction, architectural design, landscaping, gas stations, DES issues, wildlife, the variance for 75 units, the Alzheimer unit, parking, and concerns regarding the proximity to the school. Copies of the emails were distributed to the Board members.

Discussion ensued regarding concerns with the Dunkin Donuts architectural design not meeting the guidelines for the area, concerns with the waiver, construction traffic on Silver Street, and the construction schedule. C.Parker presented the options for the Board members regarding revisions to the plan.

C.Lawrence stated his concerns regarding the roundabout, traffic, wetlands, and the construction schedule, and other pending issues.

A.Pollack suggested to obtain feedback and work with Staff as a condition. He stated the need to have Saturday as part of the construction hours, but agreed to Sunday as a day off.

STAFF RECOMMENDATION: (P15-56)
The Planning Department recommends that the Planning Board approve the site plan with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. Conditional Use Permit (P15-55) be approved.
2. The owner's signatures shall be added to the final plan.
3. Applicant shall provide a digital version of plan set.
4. The Professional Engineer, Licensed Land Surveyor, Certified Wetland Scientist will need to sign and date final plans.
5. The Storm Water Management Plan and Storm Water Management System Operation and Maintenance Plan be approved to the satisfaction of the City Engineer.
6. The approval includes the granting of the waiver requested for the porous walkways and porous pavement for the reasons stated by the applicant. The Board finds that the criteria of Chapter 149-19.A have been met.
7. Revise plan set to:
   a. Add a phase note or phasing lines to plan.
   b. Address any life safety/fire safety concerns (signage, infrastructure, lane markings, etc.) to the satisfaction of the Fire Chief.
   c. Add more trees along property line of the southern end of hotel to create better screening for houses
   d. Supply a photometric plan that meets the requirements of 149-14.E(2) and has security lighting behind Assisted Living Building
   e. Specify the size and type of pipe to be used for the sewer forcemain
   f. Provide more information and details about the wetland restoration area
8. Revise plan to update the coffee shop to conform to Architectural Standards (Section 149-14(L)).

Conditions to Be Met Prior to Any Construction Activity:

9. The development agreement relative to the City, Applicant, and DOT documenting construction and alteration to the Urban Compact and long term maintenance and operation of the roundabout shall be reviewed by the City Legal Counsel, approved by the Assistant City Manager, and recorded at the Strafford County registry of deeds.
10. Construction hours shall be limited to Monday-Friday 7 AM-6 PM, Saturday 9 AM-4 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.
11. The applicant will develop, with its Wildlife/Wetland Consultant, a plan to minimize impact on wildlife, which shall be reviewed and approved by the Director of Planning.

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

12. Any new building shall pay the current impact fees in place at the time of building permit application.
13. 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:

14. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work on the site and with roundabout.

Discussion ensued regarding the noted changes to the conditions.

D.Ciotti stated his concern regarding truck traffic on the newly constructed Silver Street and suggested a ban on trucks east of Silver Street. C.Parker stated they cannot ban vehicles or limit truck traffic on state routes. D.White confirmed the road is designed for truck traffic.

Motion: T.Clark made a motion to approve the site plan to include the revised conditions. Seconded by D.White. Vote 7/2 passed

STAFF RECOMMENDATION: (P15-55)
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. The site plan (P15-56) shall be approved.
2. The erosion and sediment control features shall be installed prior to any earth disturbance activities.
3. NH DES Wetlands Permit granted with the permit number added to the site plan and a copy of the permit submitted to the City.

Motion: L.Skinner made a motion to approve the Conditional Use Permit subject to staff recommended conditions. Seconded by G.Cruikshank. Vote 7/2 passed

The Chair announced a recess at 10:49 p.m.

The meeting reconvened at 10:55 p.m.

4. NEW BUSINESS

A. Consideration and acceptance of a Conditional Use Permit for JNM Realty Trust, Assessor's Map 27, Lot 273, zoned CBD (Downtown Gateway), located at 130 Broadway. (Proposal is to construct a garage with a residential garage with a living unit on the second floor. Project does not conform to minimum lot coverage, minimum lot frontage buildout, and 1 unit per 5,000 sq.ft. requirements) *(P16-04)

This item was withdrawn by the applicant and was not heard.

B. Consideration and Possible Vote on a Citizen's Petition for a Zoning Amendment for Scott Mitchell Real Estate, LLC, Assessor's Map 37, Lots 35, 36, 37, and 38, located on Glenwood Avenue and Central Avenue. (Rezone 5.384 acres from Office (O) and Medium Density Residential (R-12) to Thoroughfare Business District (B-3)*(P16-06)

C.Parker gave an overview of the application and displayed the plan for viewing.

Richard Uchida, Hinckley, Allen & Snyder LLP, Attorneys at Law, represented the applicant and stated the information as listed in the application. He distributed plans for the Board members and stated the site plan is not set. Part of the proposed site plan will be to protect the wetland area with an easement. There is a Groundwater protection area close to the location. He further stated they contacted everyone who abuts the property about the proposal, and will continue outreach along Crescent Avenue for notifications. Scott Mitchell was also present.

C.Parker clarified for C.Plante that the City owns land adjacent to the property.

C.Lawrence stated his concern regarding pervious materials or rain gardens due to the time and federal funding spent to restore the wetlands through UNH. He further stated he would like to see it developed to a walking area.

Discussion ensued regarding clarification of the locations on the plan, that the plan is not what is being proposed, and the actual plan could be different.

C.Parker explained the options to the Board members, and provided a recommendation stating the rezoning proposal does repurpose and line up with the surrounding area and create a natural boundary.

L.Skinner stated his concern to give the abutters every opportunity to be heard.

Discussion ensued regarding Walgreens noting the setback location due to lot structure.

Motion: D.White made a motion to post the amendment. Seconded by G.Cruikshank. Vote U/A

C. Consideration and acceptance of an Amended Open Space Subdivision Plan for Arthur Gagnon, Assessor's Map H, Lot 2A-1, zoned R-40, located at Freshet Road. (Proposal is to amend a previously approved subdivision to request a waiver for the buffer to be 30 feet wide instead of 50 feet wide as required.) *(P12-24A).

C.Parker gave an overview of the application and displayed the plan for viewing. He addressed the letter distributed to the Board members from Joanne Johnson which stated there was no objection with the project.

Christopher Berry, Berry Surveying & Engineering represented the applicant and stated the information as listed in the application. He stated the lots were purchased from Joanne Johnson, and she was contacted about the project, who agreed and submitted the letter. He answered questions from the Board members regarding a shared driveway and the option if there was no approval.

Discussion ensued regarding the issue with the setback.

Motion: D.White made a motion to accept the application. Seconded by D.Ciotti. 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 applicant shall provide the Planning Department with a digital version of the final plat.
2. The approval includes the granting of the waiver requested for the exterior buffer reduction for the reasons stated by the applicant. The Board finds that the criteria of Chapter 155-51.A. have been met.
3. The applicant shall revise the final plat to:
    a. add the owner's signatures
    b. add the surveyor's stamp and signature to the final plat
    c. include the Planning File Number P12-24A in the title block
    d. include the approved Lot Line Adjustment Plan in the list of referenced plans
    e. remove note 5, Joanne Johnson should not sign the plan now that she no longer owns the property.

Motion: D.White made a motion to approve the subdivision plan subject to staff recommended conditions. Seconded by D.Ciotti. Vote U/A

5. STAFF COMMENTS

C.Parker presented a lot merger for Tax Map J, Lots 4-2 and 4-3 for the Board to approve and the Chair to sign.

Motion: G.Cruikshank made a motion to approve the merger. Seconded by D.White. Vote U/A

C.Parker stated the Community Trail received word from the State regarding the next level of the design. He stated they are working with the Department of Transportation to hire Engineers for the design.
C.Parker announced the birth K.Schuman's daughter.

C.Parker stated the State released a report on climate adaptation.

6. MEMBER COMMENTS

C.Parker reminded the Board of the commitment made to evaluate the I-1 District, create a Sub-committee, and the need for a Board member involvement.

7. ADJOURNMENT

Motion: L.Skinner made a motion to adjourn at 11:32 p.m. Seconded by D.White. Vote: U/A