

CITY OF DOVER

## DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - City Hall, 288 Central Avenue  
Meeting Date: **Tuesday, April 26, 2016**  
Meeting Time: **7:00 pm**

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

**Members Not Present:** Maggie Fogarty (Alternate)

**Staff Present:** Christopher Parker (Assistant City Manager), Donna Benton (Assistant City Planner), Dave Carpenter (Community Development Planner)

The Chair recognized D.Landry to sit in for vacant regular position.

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

- April 12, 2016 Regular Meeting Minutes

**Motion:** K.Schuman made a motion to approve the April 12, 2016 Regular Meeting Minutes. Seconded by G. Cruikshank.

F.Torr noted the outcome of the vote on page 3 should be noted (Motion failed). K.Schuman and G.Cruikshank agreed to revise their motion to include the correction.

Vote U/A

### 3. OLD BUSINESS

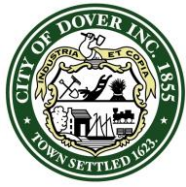
- A. Public hearing and vote on potential amendment on a Citizen's Petition for a Zoning Amendment for Scott Mitchell Real Estate, LLC, Assessor's Map 37, Lots 35, 36, 37, and 38, located on Glenwood Avenue and Central Avenue. (Rezone 5.384 acres from Office (O) and Medium Density Residential (R-12)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

**Motion:** K.Schuman made a motion to remove from the table. Seconded by D. Ciotti. Vote U/A

C.Parker gave an overview of the process and the requested amendment to rezone the area at the corner of Glenwood and Central Avenues.

*Public Hearing Opened.*

Attorney Richard Uchida, Hinckley Allen of Concord represented the applicants Scott Mitchell Real Estate, LLC. Attorney Uchida reviewed the application and updated the Board on the changes made since a neighborhood meeting occurred April 2. He reiterated that no Vehicle Refueling Station is proposed, and that all uses would comply with the Site Regulations and Secondary Groundwater Protection District requirements. He reviewed the requirements listed for consideration of a zoning amendment, including fiscal impact, that the Future Land Use Map in the Master Plan shows retail in this area.



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Richard Friberg, TEC Engineering, review the layout shown on the concept plan, and detailed the reduction in curbcuts, wetland's delineation and applicant proposed 50 foot setback along the boundary with homes located on Crescent Avenue.

Scott Mitchell confirmed the reduction of the overall size of the development, and confirmed his commitment to the 50' no cut buffer to be placed between improvements on the site and the abutting residential.

R.Uchida committed to work with the abutters on landscaping and the buffer as the project moves through the site plan review process, should the rezoning be approved. He spoke to the donation of a conservation easement on any land not developed on the site, to ensure that there is protection for abutters in place.

L.Skinner requested a map showing the distances between the homes on Crescent and the proposed improvements and buildings on the site.

D.Ciotti spoke to impacts that residential development might have, including reduced setbacks.

C.Parker confirmed for D.Ciotti that the light at Hannaford and Central Avenue would need to be upgraded, and reviewed uses allowed in the Office zone. He explained the value of holistic review and not encouraging the lots to be developed piecemeal, and the value in codifying the 50' setback.

S.Mitchell agreed that the 50' setback should be codified, if possible.

R. Friberg noted the traffic review required for the site plan to be developed, and believes that the right of way necessary is available to widen Glenwood with minimal impact to the site. He confirmed for D.Landry that there can be improvements to the stacking lane northbound on Central Avenue turning onto Glenwood Ave.

Scott Kelley, 2 Crescent Ave, spoke against the rezoning. Has concerns about neighborhood impact, and long term viability of the continued residential neighborhood in place. Spoke about wildlife and wetlands concerns.

Brian Kelley, 2 Crescent Ave, agreed with Scott. Questions 2 phases of the project, and has concerns about the vermin that are attracted to restaurants. Asked what planning principles does the City use to review projects.

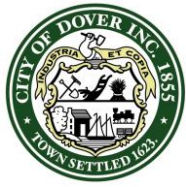
Paul Leblanc, 816 Central Avenue, urged the Board to vote no. Believes that property values will be impacted. Questions impact on quality of life, and believes that the Board should listen to abutters.

Irene Bennett, 5 Crescent Avenue, believes that existing zoning is better than proposed. Urges a no vote.

Ellen Wood, 15 Crescent Avenue, read letter from Elias Kottaridis speaking against rezoning 8 Glenwood Avenue, has no issue with the Central Avenue properties.

Richard Casimiro, 4 Crescent Avenue, believes that the quiet neighborhood they have will be ruined. Concerns about traffic on Glenwood, which is bad today, will be worsened.

Richard Hennessey, 15 Roosevelt Avenue, has concerns about the water plant and the impact this might have on drinking water in Dover.



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John O'Connor, Ward 1 Councilor, 48 Horne Street, expressed concerns with existing traffic and understands that development might occur here and urges the Planning Board to codify the buffer and protect the environment and drainage work completed on the Berry Brook.

R.Uchida wrapped up the presentation by the Applicant.

Keith Calderone, 16 Crescent Avenue, urged the applicant to work with abutters.

*Public Hearing Closed.*

C.Parker recapped the site plan approval process, gave examples of areas where residential and commercial zones abut and how this neighborhood is no different. Reviewed the drainage considerations and the traffic study required.

C.Pratt spoke to engagement that has occurred. Thanked the developer for having the neighborhood meeting.

D.Giotti thanked the abutters for coming out and sharing their concerns. Discussed how all testimony is valuable and has an impact.

T.Clark asked if the 8 Glenwood lot was necessary for the development, and S.Mitchell confirmed it was.

D.Landry confirmed the front setback on Central Avenue is 50'. Asked about process to offer relief of that.

C.Parker confirmed a variance would be required.

G.Cruikshank asked about the property assessments and how that worked. C.Parker will get letter from City Assessor.

L.Skinner suggested a site walk. Discussion ensued. No action was taken.

C.Parker suggested tabling so staff can work on a map showing area buildings and the 50' buffer language for the Board to review.

**Motion:** C.Plante made a motion to table. Seconded by K.Schuman. Vote: U/A

The Board took a 5 minute recess.

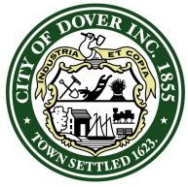
#### 4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for Helen Gagnon and Raymond Bardwell, Assessor's Map C, Lot 39A-3, zoned R-40, located on French Cross Road. (Proposal is to construct a driveway with a wetland buffer impact of 1,830 square feet). \*(P16-10)

C.Plante recused herself. The Chair recognized C.Pratt to fill her seat.

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

Raymond Bardwell, represented the applicants and explained the proposed project.



CITY OF DOVER

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Meeting Type: Regular Meeting  
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Discussion ensued regarding the shared driveway.

**Motion:** K.Schuman 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 Conditional Use Permit with the following conditions:

#### Conditions to Be Met Prior to Issuance of the Conditional Use Permit:

1. The LLS shall sign and stamp the final plan

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

C.Plante resumed her seat.

- B. Consideration and acceptance of a Conditional Use Permit for Summit Land Development (Owner: Varney Brook Lands, LLC), Assessor's Map K, Lots 19, 19-4, 19-5, zoned ETP (RCM Overlay), located at Pointe Place. (Proposal is to revise the Master Concept Plan for the Pointe Place Development). \*(P06-51C)
- C. Consideration and acceptance of a Site Plan Review for Summit Land Development (Owner: Varney Brook Lands, LLC), Assessor's Map K, Lot 19-5, zoned ETP (RCM Overlay), located at Pointe Place. (Proposal is to construct 132 residential units consisting of 2 mixed use buildings and 4 multi-unit townhouses with a 76,750 sq. ft paved area). \*(P16-05)

C.Parker gave an overview of the site plan and Conditional Use request. Explained the Concept Plan is not ready for approval as the Fiscal Analysis must be submitted.

Corey Beldon, Altus Engineering, represented the applicant and explained the request.

C.Plante asked for an explanation of the TDR process and use. Discussion ensued regarding the two different styles of TDR and the use with the project.

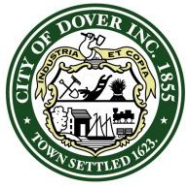
C.Parker clarified for F.Torr the two different ball fields being created.

L.Skinner had concerns about the need for commercial development on Dover Point Road. Discussion ensued about the need for commercial to be included on this project and for it not to be a residential project, solely.

Discussion ensued about including tying the walking paths to the development.

**Motion:** K.Schuman motioned to accept both applications. L.Skinner seconded. Vote: U/A.

*Public Hearing Opened.*



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Marilyn Follansbee, 25 Dover Point Road, spoke against the project. It is not what she envisioned and believes that it is not going to provide the City with the outcomes it expects. Has concerns about the continued commercial growth in the area.

Kelly Nevins, 37 Applevale Drive, expressed concerns about visual impact.

*Public Hearing Closed.*

### **STAFF RECOMMENDATION:**

The Planning Department recommends that the Planning Board table the Conditional Use Permit, so staff can review the Fiscal Impact Analysis.

**Motion:** D.White made a motion to table. Seconded by K.Schuman. Vote U/A.

### **STAFF RECOMMENDATION:**

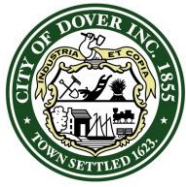
The Planning Department recommends that the Planning Board approve the site plan with the following conditions:

#### **Conditions to Be Met Prior to Signing of Plans:**

1. The CUP amendment (P06-51C) shall 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 and Licensed Land Surveyor 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 waivers requested for the porous pavement, recreation impact fees, and a reduction to 20% of the school impact fee for units with 55+, for the reasons stated by the applicant. The Board finds that the criteria of Chapter 149-19.A have been met.
7. Provide an updated fiscal impact analysis to the satisfaction of the Assistant City Manager.
8. Revise plan set to:
  - a. Address any life safety/fire safety concerns (signage, infrastructure, lane markings, etc.) to the satisfaction of the Fire Chief.
  - b. Supply a photometric plan that meets the requirements of 149-14.E(2) which includes the street lamps.
  - c. Add the abutters names and addresses to the neighborhood plan.
  - d. Indicate the number of bedrooms in the 16 townhouses.
  - e. Show the sewer manhole installed at the end of the 8" main in front of unit 6 rather than a clean out.
  - f. Parking calculation on sheet N-1, shall be updated to the current regulations.

#### **Conditions to Be Met Prior to Any Construction Activity:**

9. The development agreement relative to the City, and Applicant documenting phasing, transfer of development rights, landscaping, the construction of the roundabout and walking paths, and traffic impacts shall be reviewed by the City Legal Counsel, approved by the Assistant City Manager, and recorded at the registry of deeds.
10. Construction hours shall be limited to Monday-Friday 7 AM-6 PM, with 8 AM-5 PM Saturday with no Sunday hours. Hours of construction shall be documented on a site construction sign along with the



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contact information for the general contractor. Said signage shall be located and approved by the City Engineer or Director of Planning and Community Development.

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

11. Any new building shall pay the current impact fees in place at the time of building permit application, except specified in condition #6.
12. 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:

13. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

D.Ciotti asked C.Parker how to address that not all of the units will be age restricted. C.Parker suggested that condition 9 could be revised as (emphasis added):

The development agreement relative to the City, and Applicant documenting phasing, transfer of development rights, landscaping, the construction of the roundabout and walking paths, **monitoring of age restricted leases**, and traffic impacts shall be reviewed by the City Legal Counsel, approved by the Assistant City Manager, and recorded at the registry of deeds.

And that a new condition be added prior to the issuance of a building permit as follows:

The Applicant shall provide a sample lease, to be reviewed by the Assistant City Manager and City Attorney, which documents the restriction of tenants being 55 years or older, for those units, which are age restricted.

C.Plante expressed concerns about the phasing and the townhouses. Developer's Agreement should stipulate that the mixed use buildings be built prior to the townhouses. The consensus was to agree.

Discussion ensued relative to the phasing and the impact fee waiver request.

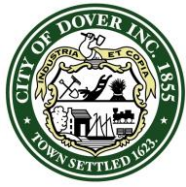
Condition 9 would now read (emphasis added):

The development agreement relative to the City, and Applicant documenting phasing (**including that the mixed use buildings shall both be constructed prior to the townhouses**), transfer of development rights, landscaping, the construction of the roundabout and walking paths, monitoring of age restricted leases, and traffic impacts shall be reviewed by the City Legal Counsel, approved by the Assistant City Manager, and recorded at the registry of deeds.

**Motion:** K.Schuman made a motion to approve subject to the staff recommended conditions, excepting the waiver for the impact fees. Seconded by C.Plante. Vote passes 8-1.

D. Revision to the CDBG Action Plan for FFY16.

C.Parker gave an overview of the need to reprogram unexpended funds and the need to reappropriate funds previously allocated to the Triangle Club, which is not a CDBG eligible activity.



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D.Carpenter distributed a sheet outlining proposed allocations. Reprogramming unexpended funds to the McConnell Center HVAC project. Triangle Club funds will be programmed to ADA accessibility projects.

Discussion ensued about eligible projects.

**Motion:** C.Plante made a motion to recommend the Council adopt the proposed changes as part of the Action Plan. Seconded by D.White. Vote U/A

### 5. STAFF COMMENTS

C.Parker addressed:

- The OEP Annual Spring Planning & Zoning Conference
- Changes to Strafford Regional Planning Commissioners
- Planning Board members using parking passes
- Email Spam issues

### 6. MEMBER COMMENTS

F.Torr thanked Chris Lawrence for his service.

G.Cruikshank spoke about the impact fee waiver.

### 7. ADJOURNMENT

**Motion:** C.Plante made a motion to adjourn at 11:17pm. Seconded by K.Schuman. Vote U/A