

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - City Hall, 288 Central Avenue
Meeting Date: **Tuesday, May 10, 2016**
Meeting Time: **7:00 pm**

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

Members Not Present: Maggie Fogarty (Alternate), Tom Clark

Staff Present: Steve Bird (City Planner), Donna Benton (Assistant City Planner), Elena Piekut (Assistant City Planner), Tracy Smith (Recording Secretary)

The Chair recognized D.Landry to sit in for T.Clark, and C.Pratt for the vacant regular position. L.Skinner sat in as Vice Chair.

The Chair called the meeting to order at 6:59 p.m.

1. CITIZENS' FORUM

Citizens Forum Open. Nobody Spoke. Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- April 26, 2016 Regular Meeting Minutes

Motion: L.Skinner made a motion to approve the April 26, 2016 Regular Meeting Minutes. Seconded by D.Ciotti. Vote U/A

3. OLD BUSINESS

- A. 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)*

Motion: L.Skinner made a motion to remove the item from the table. Seconded by D.White. Vote U/A

D.Benton gave the update of the application.

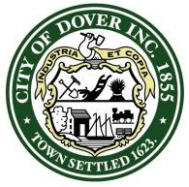
D.Benton confirmed for D.Ciotti that the updated fiscal impact analysis met Staff approval.

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 Signing of Plans:

1. The owner's 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 prepare a revised development agreement that incorporates the new development plan. Said agreement shall be reviewed and approved by the City Attorney, prior to recording the agreement at the Strafford County Registry of Deeds.



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4. The applicant shall submit a site review application and detailed site plans for each of the buildings shown on the revised master plan.
5. All previous conditions from the original and amended approval remain in effect.

Motion: D.Ciotti made a motion to approve the Conditional Use Permit subject to staff recommended conditions. Seconded by G.Cruikshank. Vote U/A

- B. Public Hearing to consider amendments to Chapter 170, entitled “Zoning” of the Code of the City of Dover. Amendments include revising and adding definitions, rezoning property to the Heritage Residential (HR) District, adding self-service storage facility as an allowed use via a Conditional Use Permit, revising dimensional regulations, removing obsolete references, revising the Central Business District Administration section, revising the applicability of school impact fee waivers for age restricted properties, revising accessory dwelling unit regulations, revising sign ordinance to remove content-based requirements ensuring neutrality, revising fence setbacks, and removing loading space regulations. The full text of the amendments is available in Planning Dept. & at www.dover.nh.gov located under City Documents & View Current City Reports. *

D.Benton gave an overview of the process.

S.Bird provided a power point presentation and explained the housekeeping amendments changes, mandated amendments as it pertains to changes to the State law regarding Accessory Dwelling Units, and additions/limitations changes to include Sign Ordinance changes due to a Supreme Court case, and information pertaining to self-service storage facilities and the districts in which these would be allowed. He provided information regarding access to the public for additional questions. He stated there was a City wide mailing on April 25, 2016, and that Staff suggests waiting until after the second public hearing to make any changes.

Public hearing opened.

Chris Wyskiel, Wyskiel, Boc, Tillinghast & Bolduc, P.A., represented Barbara and Peter Smith, 178 Silver Street, and requested the Board to consider amendment #4 to rezone their property from R-12 to B-3. He distributed a packet for the Board members, reviewed exhibits 1& 2, and explained the property owner request as stated in the packet. (Original in file)

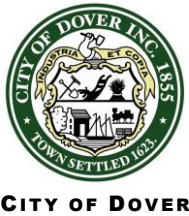
Public hearing recessed until May 24, 2016.

- C. Public Hearing to consider amendments to Chapter 149, entitled “Site Review Regulations” of the code of the City of Dover. Amendments include revising terminology, administrative review process, certificate of occupancy requirements, lighting standards, loading dock requirements, stormwater regulations, and deleting unutilized definitions. The full text of the amendments is available in Planning Dept. & at www.dover.nh.gov located under City Documents & View Current City Reports. *

D.Benton reviewed the updated information to the Site Review Regulations as distributed to the Board members.

Public hearing opened. Nobody spoke. Public hearing recessed until May 24, 2016.

- D. Public Hearing to consider amendments to Chapter 155, entitled “Subdivision of Land” of the code of the City of Dover. Amendments include revising terminology, administrative review process, open space subdivision requirements, stormwater regulations, bridge and culvert design, certificate of occupancy



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requirements and deleting unutilized definitions. The full text of the amendments is available in the Planning Dept. & at www.dover.nh.gov located under City Documents & View Current City Reports. *

D.Benton provided the updates and changes made to the Subdivision of Land.

Public hearing opened. Nobody spoke. Public hearing recessed until May 24, 2016.

C.Pratt clarified the buffers regarding existing homes and subdivided property buffers with D.Benton.

The discussion was encouraged for May 24, 2016.

4. NEW BUSINESS

- A. Consideration and acceptance of a Waiver from Site Review Regulations 149-15.G, for VMD Equities DVR, LLC, (Owner: Profero Management & Holdings, LLC), Assessor's Map 11, Lot 2, zoned B-3, (Proposal is to extend the allowed hours of drive-thru for a coffee shop). *(P15-56A)

D.Benton gave an overview of the application and explained the regulations regarding this waiver.

Ari Pollack, Gallagher, Callahan & Gartrell, P.C., represented the applicant, Jim Vitas, VMD. Eric Reuter, Reuter Associates, LLC was also present. He displayed plans for viewing, provided information regarding the reason for the waiver, and stated the tenant would exit the transaction if the waiver is not granted. He clarified information in his letter dated April 22, 2016 for D.Landry regarding the impact of the waiver to the development of the site.

C.Pratt suggested appropriate plantings to block the sound.

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

Public hearing opened.

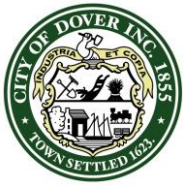
K.Schuman arrived at 7:50 pm.

Dawn Duffy, 163 Silver Street, spoke against the waiver and stated her concerns regarding the comparison of noise of traffic to orders on the speaker.

Jeff Bernstein, 195 Silver Street, spoke against the waiver and stated his concerns regarding the impact to the neighborhood, and the sound testing completed on Central Avenue and not Silver Street. He added the acoustics are different on Silver Street and wants testing there. He stated further concerns regarding the minimal height of the tree planting to block sound, due to the effect it would have on the visibility of the site.

Barbara Trow, 192 Silver Street, spoke against the waiver and stated her concern regarding the noise caused by construction and requested the roundabout be constructed prior to Dunkin Donuts to control traffic.

Eleanor Feeney, 195 Silver Street spoke against the waiver and stated her concerns regarding the impact to their neighborhood.



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Teri Picard, 192 Silver Street, spoke against the waiver and stated her concern regarding the noise and the impact this could have on the sleep/health to her and her neighbors. She read her letter dated March 21, 2016 and submitted a copy to the Board members.

Reese Weston, 68 Portland Avenue, spoke in favor of the waiver and stated she worked at the Dunkin Donuts at the Central Avenue location as shift supervisor for five years, adding there was never an issue with complaints.

Karen Weston, 42 French Cross Road, Mayor and Dover Business Industry and Development Authority member, spoke in favor of the waiver, addressed the abutter concerns, and stated the applicant has addressed other concerns regarding the design and lights and how it would affect the residents. She urged a compromise.

Dennis Duffy, 163 Silver Street, spoke against the waiver and stated his concern regarding the noise and how sound carries at their location, as well as, lighting and the need for the lot being patrolled at night. He further stated his concern regarding the previous statement of the applicant leaving project if they do not get the hours.

Jeff Bernstein, 195 Silver Street, commented that someone needing refreshments at third shift would go in if the speaker was not there. He stated there was no objection to the entire project just these hours.

D.Benton read an email from Diane Stowell stating her opposition to the waiver (original in file).

Public hearing closed.

E.Reuter presented his findings from the study and stated how the information was determined. He provided the information while he addressed the plans displayed for view. He addressed the comments made by the abutters in comparison to his findings and explained the sound direction away from the abutters. He answered questions from C.Pratt regarding options to buffer the noise.

Discussion ensued regarding the spirit of the ordinance and that economic aspects do not apply to the Board's decision, the comparison of the Dunkin Donuts on Central Avenue to Silver Street, reasons for a possible future Change of Use regarding the development, and the difference between traffic and voice noise.

STAFF RECOMMENDATION:

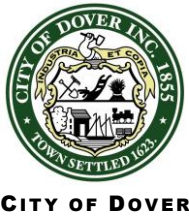
The Planning Department recommends that the Board vote to determine whether the criteria in Chapter 149.19A have been met. Should the Board decide to grant the waiver, Staff recommends approving the waiver request with the following conditions:

Conditions to Be Met Prior to Signing of Plans regarding this particular waiver request only:

1. All Conditions previously approved on March 22, 2016 remain in effect.
2. Applicant shall revise the plan set to indicate any changes required as a result of the approved waiver, including adding a note regarding the waiver, and provide a digital version of plan set.
3. Any representation made by the applicant regarding the special circumstances, or special conditions present, relative to the waiver shall be documented in a Developer's Agreement.

Motion: L.Skinner made a motion to reject the application on grounds that the waiver is inconsistent with City regulations and is unprecedented and does not give assurances that there would be no impact to the neighborhood and the request inconsistent with the spirit and intent of the regulation. Seconded by G.Cruikshank. Vote U/A

The Board took a five minute recess at 9:00 pm.



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K.Schuman took his seat. L.Skinner returned to his seat.

- B. Consideration and acceptance of a Minor Subdivision for Christopher Berry, (Owner: Knox Marsh Road Development, LLC.), Assessor's Map H, Lot 22, zoned R-20, located at 23 Knox Marsh Road. (One new lot). *(P16-14)

D.Benton gave an overview of the application.

Christopher Berry displayed the plans for viewing and explained the project plan and the condition of approval regarding the Zoning Board of Adjustment variance and the agreement that was made regarding that condition. He answered questions from the Board members regarding the setbacks of the existing house, the barn removal, vegetation between existing and new lot, and confirmation of the addresses.

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

Public hearing opened.

Robert Dubois, 11 Chandler Way, spoke in favor of the application and stated the owner is working with him regarding screening between properties. He requested the screening be planted 4 ft. apart and 5-6 ft. in height.

Public hearing closed.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board approve the minor subdivision with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signatures shall be added to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds.
2. The Licensed Land Surveyor stamp and sign final plans.
3. The applicant shall provide the Planning Department with a digital version of the final plat.
4. The applicant shall revise the plat to:
 - a. Add the planning file number (P16-14) to all sheets
 - b. Add a note that the lot numbers shall be assigned by the Assessing Office
 - c. Indicate abutter information across West Knox Marsh Road
 - d. Indicate the water connection
 - e. Indicate existing lot area
 - f. Add minimal/acceptable landscape buffer between lots to the satisfaction of the Assistant City Manager.

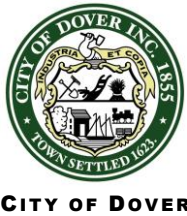
Conditions to Be Met Prior to Issuance of a Building Permit:

5. Any new building shall pay the current impact fees in place at the time of building permit application.
6. Any new building shall be assessed the current water/sewer investment fees in place at the time of application for water/sewer service and pay the fees before water/sewer services are established.

Conditions to Be Met Prior to Issuance of a Conditional Use Permit:

7. All Zoning Board conditions to the granting of the variances must be met to the satisfaction of the Assistant City Manager.

Discussion ensued regarding screening between R.Dubois' and the applicant's properties and an amendment to



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the condition. D.Benton amended the condition to add landscaping to the satisfaction of the Assistant City Manager. D.Ciotti clarified the condition to add minimal yet acceptable buffering between the existing house and the new house. C.Berry agreed to the condition.

Motion: L.Skinner made a motion to approve with modified conditions. Seconded by K.Schuman. Vote U/A

- C. Consideration and acceptance of a Site Plan for Dover School District, SAU #11, (Owner: City of Dover), Assessor's Map H, Lots 11-1 & 12, zoned R-20, located at 25 Alumni Drive. (Proposal is to construct a new 177,840 sq. ft. High School and Career Technical Center including an 8,760 sq. ft. Animal Sciences Building) *(P16-12)
- D. Consideration and acceptance on a Conditional Use Permit for the Dover School District, SAU #11 (Owner: City of Dover), (Agent: Nobis Engineering, Inc.), Assessor's Map H, Lots 11-1 & 12, zoned R-20, at 25 Alumni Drive. (Proposal impacts the wetland buffer for grading for stormwater. There are no new impervious surfaces, rather a reduction of 1,279 square feet of pavement in wetlands buffer) *(P16-11)

F.Torr stated items 4.C and 4.D would be heard together.

Tina Stanislaski, HMFH Architects and Erin Lambert, Nobis Engineering Inc., represented the applicant. E.Lambert displayed the plans for view on the screen and presented the project plan. Deputy Mayor Bob Carrier, Councilor Jason Gagnon, and Chuck Kozlowski, Halverson Design Partnership, was also present.

Discussion ensued regarding parking, the address of the school, repaving and widening the drive at Alumni Drive and Bellamy Road, widening and location of the parent drop off, pedestrian cross walk locations and the material used and changes to storm water regulations, traffic and impact analysis to the Dover Middle School, the status of the utility building, the type of grass to be used is yet to be determined, no impact fees, and the need for Saturday construction hours and communication with surrounding residents.

C.Kozlowski addressed the displayed plan and presented the plan for landscaping.

Discussion ensued regarding the location of the snow storage to be reconfigured, and that the chain link fence will stay and will be considered for repair, confirming it is not in the budget.

T.Stanislaski displayed plans for view on the screen and presented the projected plan for the exterior buildings.

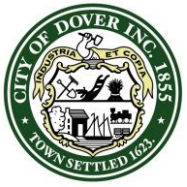
Discussion ensued regarding the design of the building, location for access of trucks with horses to the Animal Science building, the material of the roof used to melt snow quicker, locations for snow storage. T.Stanislaski distributed images of the riding and storage facility to the Board members.

Motion: K.Schuman made a motion to accept the 4.C and 4.D applications. Seconded by L.Skinner. Vote U/A

Public Hearing Opened.

Pete Safford, 35 Bellamy Road, stated his concern regarding the need for additional parking spaces.

D.Benton read an email from May Gloviniski on behalf of James Keating, 89 and 97 Durham Road.



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Public Hearing Closed.

E.Lambert addressed the abutter concern regarding parking. She further stated the location of faculty parking. She addressed the fence as stated in the email, and confirmed no changes have been made in that area and there would be no impact to this abutter.

Discussion ensued regarding the durability and longevity of the materials to be used for the project, the parking lot will function better due to the double loop, and final conversations on conditions regarding construction hours.

STAFF RECOMMENDATION - WAIVERS: (P16-12)

The Planning Department recommends that the Board vote to approve the waivers with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. A note shall be added to the site plan that the Board has granted the waivers for the reasons stated by the applicant, and the Board finds that the criteria of Chapter 149-19.A have been met.

STAFF RECOMMENDATION – SITE PLAN: (P16-12)

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

Conditions to Be Met Prior to Signing of Plans:

1. The Board finds this plan is in conformity with the land use regulations.
2. The waivers are granted.
3. Conditional Use Permit (P16-11) be approved.
4. The owner's signatures must be added to the final plan.
5. Applicant must provide a digital version of plan set.
6. The Professional Engineer, Licensed Land Surveyor, Certified Wetland Scientist, and Licensed Landscape Architect will need to sign and date final plans.
7. The Stormwater Management Plan and Stormwater Management System Operation and Maintenance Plan must be approved to the satisfaction of the City Engineer.
8. The final plan set must meet the Fire Code and any accessibility concerns to the satisfaction of the Fire Chief.
9. The applicant must revise plan set to:
 - a. Update the Architectural Renderings to hide roof mechanicals
 - b. Revise Planting note 3 on sheet L4 to state, "No substitutions of plant species without Assistant City Manager's written approval".
 - c. Revise note 24 on sheet C-2 to state "Snow Storage Areas are shown on this plan will be addressed in the Stormwater Operation and Maintenance Plan".
 - d. Include a lighting plan that meets the Lighting regulations set forth in Chapter 149.14.E.

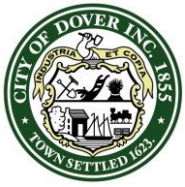
Conditions to Be Met Prior to Any Construction Activity:

10. Construction hours shall be limited to Monday-Friday 7 AM-6 PM, Saturday 8AM – 5 PM, with no Sunday hours. Hours of construction must be documented on a site construction sign along with the contact information for the general contractor. Said signage must be located and approved by the City Engineer or Assistant City Manager.

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

11. The 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:



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12. Traffic study to be completed by City and Sebago Technics including recommend policy changes to improve school traffic flow. The study area will include Route 108 from Central/Stark Avenue to Madbury Town Line, Bellamy Road from Knox Marsh to Durham Road

Discussion ensued regarding the fact that the application was presented to the Planning Board as a courtesy, and that the Board member comments are non-binding. The processed has been reviewed by JBC for over two years.

Discussion continued regarding condition #11, the traffic study and when it should be completed.

Motion: K.Schuman made a motion to approve waivers staff recommended conditions. Seconded by D.White. Vote U/A

Motion: K.Schuman made a motion to approve as amended by Board. Seconded by D.White. Vote U/A

STAFF RECOMMENDATION:

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 Board finds this plan is in conformity with the land use regulations.
2. The site plan (P16-12) shall be approved.
3. The erosion and sediment control features shall be installed prior to any earth disturbance activities.

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

5. STAFF COMMENTS

D.Benton addressed:

- The reason for the Board voting on the waiver separately for the Dover School District project.
- The Planning Department received the Planning of the Year Award for the Downtown Pedestrian & Vehicular Access Plan
- Meetings will be changing to once a month in late June.

6. MEMBER COMMENTS

D. Benton provided information regarding incoming applications for D.Ciotti.

C.Pratt commented on a conversation he had with Gary Bannon regarding the future in Parks and Recreation.

7. ADJOURNMENT

Motion: C.Plante made a motion to adjourn at 10:56pm. Seconded by G.Cruikshank. Vote U/A