# DOVER PLANNING BOARD – MINUTES

CITY OF DOVER

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| Meeting Type: | Regular Meeting |
| Meeting Location: | Council Chambers - City Hall, 288 Central Avenue |
| Meeting Date: | **Tuesday, May 24, 2016** |
| Meeting Time: | **7:00 pm** |

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

**Members Not Present**: Maggie Fogarty (Alternate), Lee Skinner

**Staff Present:** Christopher Parker (Assistant City Manager), Tracy Smith (Recording Secretary)

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

The Chair recognized C.Pratt to sit in for L.Skinner, and welcomed D.Landry as a regular Board member.

The Chair announced T.Clark's retirement, recognized his 31 years of service to the City, and stated he will be reappointed to the Planning Board.

## 1. CITIZENS' FORUM

*Citizens Forum Open. Nobody Spoke. Citizens Forum Closed*

## 2. APPROVAL OF THE PRIOR MINUTES

- May 10, 2016 Regular Meeting Minutes

**Motion:** K.Schuman made a motion to approve the May 10, 2016 Regular Meeting Minutes with the spelling correction to the motion on page 4. Seconded by D.Ciotti. Vote U/A

## 3. OLD BUSINESS

A. Public hearing 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)

**Motion:** K.Schuman made a motion to remove item 3.A from the table. Seconded by G.Cruikshank. Vote U/A

C.Parker gave an update of the application, and explained the 50 ft. buffer in location to the homes from Glenwood Avenue to the City property. He clarified the residential impact, and the importance of communication with the residents. He further clarified the application process if the Board approved the rezoning project.

Attorney Richard Uchida, Hinckley, Allen & Snyder, LLP, represented the applicant, displayed updated conceptual plans for viewing, and presented the proposed conceptual plan. He also presented in comparison a possible plan showing a six lot residential development with no buffer that could be developed on the site. He distributed a plan and a future land use map to the Board members regarding the project. Scott and Jim Mitchell, Richard Friberg, TEC Engineering, Michael Seekamp, wetlands consultant, and John Arnold were also present.

Michael Seekamp, clarified the location of the wetlands for D.Landry.

Discussion ensued regarding the proposed conceptual plan, the amount and location of the no development easement, as well as the location of the building in relation to the new entry way. R.Uchida displayed a plan to show the location of the building and landscaping, and confirmed for D.Landry that there would be less impervious surface there than existing.

*Public hearing opened.*

Ernie Clark, 32 Glenwood Avenue, spoke against the rezoning and stated his concerns regarding the impact of the project to the neighborhood, wetlands and water. He further stated concerns regarding traffic due to the project.

Douglas Knight, 19 Roosevelt Avenue, spoke against the rezoning and stated his concerns regarding drainage and water management problems to the homes due to past development and his concern with additional water management problems with any future development.

David Latchaw, 1 Crescent Avenue, spoke against the rezoning and stated his concerns regarding traffic and safety concerns due to the development and the impact to the elementary school and the neighborhood. He further stated his concern regarding the impact to the wetlands, Berry Brook, and water shed.

Kathy Smith, 8 Crescent Avenue, spoke against the rezoning and stated her agreement with the neighbors. She displayed pictures on poster board for viewing.

Brian Kelley, 2 Crescent Avenue, spoke against the rezoning and stated his agreement with the neighbors. He stated additional concerns regarding the impact to the quality of life, and the financial impact of the property values to the homes, as well as, possible problems with rodents, fumes, dumpster diving, potential drugs and crime with the development.

Irene Bennett, 6 Crescent Avenue, spoke against the rezoning and stated her agreement with her neighbors.

Richard Casimiro, 4 Crescent Avenue, spoke against the rezoning and stated his agreement with his neighbors. He stated an additional concern regarding noise pollution, adding the community pays their taxes and doesn't want the development.

Ellen Wood, 15 Crescent Avenue, spoke against the rezoning and stated her agreement with the neighbors.

Aileen West, 10 Glenwood Avenue, spoke against the rezoning and stated her agreement with the neighbors.

Jimmy Veinote, 7 Page Avenue, spoke against the rezoning and stated his agreement with the neighbors.

Gail Lyons, 102 Horne Street, spoke against the rezoning and stated her concerns regarding traffic, litter, and salt use in the winter and how it would affect Berry Brook.

Peter Schmidt, 53 Fourth Street, spoke against the rezoning and stated his concern regarding the impact of tree removal to the area, and the need for the existing trees to remain. He further stated traffic concerns and the impact to the water with the impervious area.

Gregg Lavasseur, 11 Crescent Avenue, spoke against the rezoning and stated his agreement with the neighbors.

Jimmy Veinote, 7 Page Avenue, stated additional traffic concerns.

Douglas Knight, 19 Roosevelt Avenue, stated additional traffic concerns.

*Public hearing closed.*

C.Parker addressed the abutter concerns and reread the statement regarding the vegetative buffer. He explained to the Board their voting options.

Discussion ensued regarding clarification of the setback, right of way, utility, sewer and City property location at Walgreens. C.Parker displayed a plan for viewing to show the locations.

C.Pratt stated he liked the plan; however, he was against the project due to the amount of abutters present.

D.White addressed the abutter concerns regarding tree removal and water drainage.

C.Plante stated her consideration of the comparison of the two development plans proposed by R.Uchida, and that the project proposed by the applicant provided less impact to the residents.

Discussion ensued regarding the trees in the conservation area, the water treatment, traffic changes, and clarification of the higher use of the development associated with the taxes.

Discussion ensued regarding Board members stating their support for the project based on the goal of the City Council to review property for rezoning, and evaluation of the project with what is promoted in the Master Plan. Discussion continued with the proposed plan and how it provided a larger setback for the residents, in comparison to the residential plan also presented. D.Ciotti stated his support for the project and his concern for Berry Brook, the trees, and clarified the abutters would have a say with what goes in.

Discussion ensued regarding clarification about the wording of the vegetative buffer and the conservation easement to the City Council. C.Parker clarified the recommendation and explained the process regarding the City Council. He confirmed there is a commitment by the applicant to donate the conservation easement, and stated there would be a site walk.

**Motion:** C.Plante made a motion to make a recommendation to the City Council that they accept the zoning amendment with the staff recommendation. Seconded by D.White. Vote 8/1 Passed

C.Parker stated the project would be heard by the City Council on June 1, 2016 and June 8, 2016 with a public hearing on June 22, 2016.

The Chair announced a five minute recess.

B. Public Hearing and possible vote on 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. *

C.Parker gave an update and addressed regarding and explained the reason for the revision to the sign ordinance.

*Public hearing opened.*

Attorney Mark Moeller, represented St John’s Methodist Church, and spoke against the sign ordinance. He explained how the sign ordinance could have a negative impact on the church, and other churches in the area. He stated profit and non-profits organizations could be treated the same.

Mark Alley, Pastor of St. John’s Methodist Church, spoke against the sign ordinance and stated how it could have a negative impact on churches, schools, and other non-profit organizations.

Barbara Trow, 192 Silver Street, spoke against the proposal to rezone the property at 178 Silver Street to B-3, and stated her concerns regarding traffic problems, and the impact of this change to the neighborhood.

Chris Wyskiel, Wyskiel, Boc, Tillinghast & Bolduc, PA, represented Peter and Barbara Smith, 178 Silver Street, presented the proposal to amendment #4 to rezone the property from R-12 to B-3, addressed the size deficiency as stated by B.Trow, and noted his comments as stated in his letter submitted to the Board on May 9, 2016.

C.Parker read an email received from Terry Picard, 192 Silver Street, stating her opposition to the proposal regarding rezoning 178 Silver Street to B-3.

*Public hearing closed.*

C.Parker addressed the abutter comments, and explained the voting options to the Board members.

Discussion ensued regarding consideration of temporary sign permits and ways to better meet the need of both non-profit and profit organizations, as stipulated by the court case. The Board members agreed to table the issue due to the negative impact to non-profit organizations, and to consider a fee schedule for the temporary sign permits.

C.Parker clarified the process for the Board members regarding their decisions on the issues.

Discussion ensued regarding the R-12 and B-3 Districts. C.Parker read the permitted uses from each district table. The Board members agreed with not including the proposal until more information was received about the traffic circle.

Discussion ensued regarding clarification of the school impact fee waiver, and that there is a budget for a consultant analysis regarding the impact fees and the rates. C.Plante suggested the impact fees be codified, so everyone pays them. C.Parker stated this could be reviewed by consultant.

**Motion:** K.Schuman made a motion to forward the recommended zoning changes to the City Council with amendment of striking out the bold section of #11A, and not forwarding #14 to the City Council to allow Staff to work out the recommended fee schedule changes to the City Council. Seconded by D.Ciotti. C.Plante requested clarification of the building height review. C.Parker stated he confirmed the Board did not want to make that change. Vote U/A

C. Public Hearing and possible vote on 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. *

C.Parker gave the update regarding amendment.

*Public hearing opened. Nobody spoke. Public hearing closed.*

C.Parker stated the Site Review Regulations and the Subdivision of Land are not forwarded to the City Council.

**Motion:** K.Schuman made a motion to approve as proposed. Seconded by D.Ciotti. Discussion ensued regarding clarification of ordinance changes reviewed by City Council, and possibly tabling this item in case the City Council opposes an item within this regulation. C.Parker confirmed for C.Plante that only parking lots that straddle common property lines are to be 5 ft. Vote U/A

D. Public Hearing and possible vote on 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 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. *

C.Parker gave the update regarding the amendment.

*Public hearing opened. Nobody spoke. Public hearing closed.*

**Motion:** K.Schuman made a motion to approve as proposed. Seconded by D.Ciotti. C.Plante addressed the issue of waivers granted numerous times for Open Space Subdivisions, and asked if this would be addressed in the amendments. C.Parker recommended going forward with the motion, adding he would further discuss the issue with D.Ciotti. He stated changing Site and Subdivision regulations are easier than changing Zoning regulations. Vote U/A

## 4. NEW BUSINESS

A. Consideration and acceptance of an Open Space Subdivision of land for Copley Properties, LLC (Owner: Gary & Rae Anne Bernier), Assessor's Map C, Lot 2, zoned R-40, located at 114 Watson Road (7 lots). *(P16-13)

C.Parker gave an overview of the application.

Kevin McEneaney, McEneaney Survey Associates, Inc., represented the applicant, displayed plans for viewing, and presented the proposed plan. Andrew Goddard, Copley Properties, LLC and Steve Haight, Haight Engineering, PLLC were also present.

F.Torr confirmed with K.McEneaney that the applicant is proposing a public street.

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

*Public hearing opened.*

Paul Bayliss, 44 Cardinal Drive, Treasurer of the Waldron Falls Home Owner Association (HOA), stated his agreement with the plans and his request for two conditions: 1. That there be plantings before the Certificate of Occupancy is issued on any home developed. 2. Assurance that these plantings are watered for two years.

Deborah Ballantyne, 45 Cardinal Drive, Secretary of the Waldron Falls HOA, spoke in favor of the project with the condition that the road be private and not public. She submitted a document listing other subdivisions with private roads. She further recommended a HOA for the development.

Paula Lavoie, 96 Watson Road, stated her concern regarding the number of homes to be developed on the site, and how it would change the feel of the neighborhood and impact the property values of the existing homes. She further stated concerns regarding contaminated barrels on the site, traffic, safety, water drainage issues, wildlife, and trees. She asked for a site walk, and requested fewer houses be developed than the number proposed.

*Public hearing closed.*

K.McEneaney addressed the abutter concerns regarding having a public road, and explained Cardinal Drive is a private road due to the developer's request. He further explained the reason for the Open Space Subdivision regulation, and addressed the issues regarding the right of way, contamination, traffic, and drainage.

C.Parker explained the Board member's decision making process regarding public and private roads for Open Space Subdivisions and clarified that it is the developer decision. He read a Staff recommendation with the conditions of approval.

D.White stated he was not prepared to vote on the project and needed to prepare his comments.

**STAFF RECOMMENDATION:**
The Planning Department recommends that the Planning Board table the item to schedule a site walk.

**Motion:** D.White made a motion to table the item to schedule a site walk. Seconded by F.Torr. Vote 8/1 Passed

K.McEneaney requested the project be scheduled for the next meeting. The site walk was scheduled for Tuesday, May 31, 2016 at 5:30 pm.

## 5. STAFF COMMENTS

C.Parker addressed the information update in the Board member's packets on the Spaulding Turnpike project.

C.Parker presented a lot merger for parking lots between Locust Street and Chestnut Street. The two lots are to be sold for the Robbins property which will be presented at the next meeting. K.Schuman read the lot merger to the Board members.

**Motion:** D.Ciotti made a motion for the Chair to sign the merger. Seconded by D.White. Vote U/A

C.Parker addressed:

- Provided information regarding T.Clark's retirement gathering.
- The transportation improvement regarding Exit 10 and upgrades to Route 108, and working with Strafford Regional Planning on bike lanes and bus pull offs, as well as working with other communities and the Department of Transportation with this project. He confirmed for C.Pratt that the project is State funded.

## 6. MEMBER COMMENTS

F.Torr commented on the need to let everyone have their time to state their concerns at the podium.

## 7. ADJOURNMENT

**Motion:** G.Cruikshank made a motion to adjourn at 11:17 p.m. Seconded by F.Torr. Vote U/A