

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - City Hall, 288 Central Avenue
Meeting Date: **Tuesday, June 14, 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, David Landry, Curtis J. Pratt (Alternate)

Members Not Present:

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

The Chair called the meeting to order at 7:00 p.m. The Chair announced the resignation of M.Fogarty as an Alternate Board member, and thanked her for her service to the Planning Board.

1. CITIZENS' FORUM

Citizens Forum Open. Nobody Spoke. Citizens Forum Closed

C.Parker addressed the survey distributed to the Board members from the Stewardship of Resources Chapter regarding the Master Plan, and encouraged all citizens to take the survey. D.Landry also encouraged citizens to take the survey and pass it along to other groups and organizations to receive public input.

2. APPROVAL OF THE PRIOR MINUTES

- May 24, 2016 Regular Meeting Minutes

Motion: K.Schuman made a motion to approve the May 24, 2016 Regular Meeting Minutes with the corrections noted by F.Torr. Seconded by G.Cruikshank. Vote U/A

3. OLD BUSINESS

- A. Consideration and possible vote 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)

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

C.Parker gave the update regarding the application.

Kevin McEneaney, McEneaney Survey Associates, Inc., represented the applicant, displayed plans for viewing, and explained the updates and revisions to the proposed plan. Andrew Goddard, Copley Properties, LLC was also present.

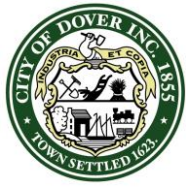
C.Parker clarified the waiver request for C.Plante.

K.McEneaney explained the sanitary sewer and location for L.Skinner.

F.Torr confirmed for D.Ciotti that the public hearing was closed at the previous meeting and not tabled.

STAFF RECOMMENDATION: (Waiver)

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



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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 waiver for the reasons stated by the applicant, and the Board finds that the criteria of Chapter 155-51.A have been met.

Motion: D.Ciotti made a motion to approve the waiver subject to staff recommended conditions. Seconded by C.Plante. Vote U/A

STAFF RECOMMENDATION: (Subdivision Plan)

The Planning Department recommends that the Board approve the subdivision plan 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 Licensed Land Surveyor and Professional Engineer stamp and sign final plans.
3. The applicant shall provide the Planning Department with a:
 - a. digital version of the final plat.
4. The applicant shall revise the plat to:
 - a. Include a revised Current Use plan for the property to the Tax Assessor's satisfaction.
 - b. Include a note about when the tree buffer will be planted.
 - c. Deduct utilities and stormwater infrastructure from Open Space calculation
5. The applicant must submit proposed Homeowner's Association Documents addressing access to the open space lot, preservation of perimeter landscaping, and ownership and maintenance of common areas including open space, lighting, drainage infrastructure and utilities. These documents must be reviewed by the Planning Department, with consultation by the City Attorney on compliance with conditions.
6. The Stormwater Management Plan and Stormwater Management System Operation and Maintenance Plan must be approved to the satisfaction of the City Engineer.

Conditions to Be Met Prior to Any Construction Activity:

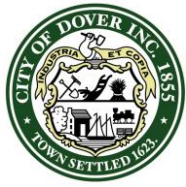
7. The applicant shall submit a copy of the Phase I Environmental Study completed on the project, and note any remediation necessary if soil contamination is discovered.
8. Construction hours shall be limited to Monday-Friday 7 AM-6 PM, Saturday 8 AM-5 PM, with no Sunday hours. Hours of construction 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 Assistant City Manager.

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

9. Any new dwelling unit shall be assessed the current impact fees in place at the time of building permit application.
10. Any new dwelling units 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:

11. The applicant shall install the landscaped buffer along Watson Road to the satisfaction of the Assistant City Manager.
12. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work, including a 2 year surety on the landscaped buffer along Watson Road.



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C.Parker explained condition #11 as it pertains to the regulations.

D.Ciotti addressed the two year assurance regarding plantings on City property and requested this topic be reviewed by the Board in January.

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

- B. Consideration and possible vote on amendment to a condition of approval of a previously approved site plan (Pointe Place Site Plan) *(P16-05A)

C.Parker explained the reason for the amendment pertaining to conditions #9 and #13 of the previously approved site plan, and how these conditions conflict with the ordinance. He stated the amendment was requested by the staff.

Chad Kageleiry confirmed the information presented by C.Parker.

Discussion ensued regarding clarification of the transfer development rights and impact fee waivers, and that the word used in the ordinance regarding the waiver should be changed from constructed, to occupied.

Motion: L.Skinner made a motion to accept the application. Seconded by K.Schuman. Vote: 8/1 Passed

Public hearing opened. Nobody spoke. Public hearing closed.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board approve the amendment to the conditions as noted in the Staff Memo.

The amended condition 9 read as follows:

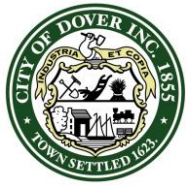
“The development agreement relative to the City, and Applicant documenting phasing (including that one of the mixed use buildings shall be constructed prior to the issuance of the 94th residential certificate of occupancy), transfer of development rights, landscaping, the construction of the roundabout 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.”

The removal of condition #13:

Motion: L.Skinner made a motion to approve the amendment subject to staff recommended conditions. Seconded by K.Schuman. Vote 8/1 Passed

4. NEW BUSINESS

- A. Consideration and acceptance of a Site Review for Hellenic Realty Partners, (Owner: 104 Washington Street, Inc./Sidney Robbins Family Trust), Assessor's Map 2, Lots 4,5,6,6A,7,8,8A,9, zoned CBD District, located at 102, 108, 114, 124 Washington Street/26, 28, 32 Walnut Street/9 Locust Street. (Proposal is to construct 38 units consisting of 1 mixed use commercial/residential building with approx. 61 parking spaces and a 20,000 sq. ft. paved area). *(P16-08)



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C.Parker gave an overview of the application and the proposed plan.

Michael Sievert, MJS Engineering, represented the applicant, displayed plans for viewing, and presented the proposed plan. He stated there are three phases to the project, with the understanding that phase one and two of the project would be reviewed at this meeting, and the architectural compliance of phase three would be evaluated at a future date. Nick Kostis, Stan Robbins, Adam Wagner of DiStefano Architects, and Stephen Pernaw, were also present.

Discussion ensued regarding the architectural renderings. The Chair gave a five minute recess at 7:34 p.m. to obtain the renderings. Copies of the architectural designs were distributed to the Board members.

The meeting resumed at 7:50 p.m.

A.Wagner presented the architectural design of the proposed plan, and clarified the various phases of the architectural design for the project for L.Skinner.

N.Kostis explained the design of phase three is to compliment the surrounding buildings in the area, such as, the McConnell Center and City Hall. He confirmed for L.Skinner there would be no sub-surface parking for phase one and two.

Discussion ensued regarding the architectural design to include greenery for private residents at the entryway of the parking lot, the floor plan, the design of the upper deck, and the standard of the architectural type.

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.

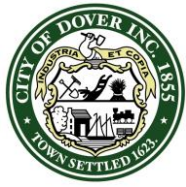
STAFF RECOMMENDATION:

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

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signatures must be added to the final plan.
2. Applicant must provide a digital version of plan set.
3. The Professional Engineer and Licensed Land Surveyor will need to sign and date final plans.
4. The Stormwater Management Plan and Stormwater Management System Operation and Maintenance Plan must be approved to the satisfaction of the City Engineer.
5. The final plan must address any engineering comments to the satisfaction of the City Engineer.
6. The final plan set must meet the Fire Code and any accessibility concerns to the satisfaction of the Fire Chief.
7. Approval includes merger of Map 2, lots 4, 5, 6, 6A, 7, 8, 8A, and 9.
8. The applicant must revise plan set to:
 - a. Add supplemental phasing plan in color
 - b. Document traffic improvements noted at Technical Review Committee
 - c. Update addresses and map/lots after merger
 - d. Remove Planning Board approval block
 - e. Correct index or include phase 3 plan

Conditions to Be Met Prior to Any Construction Activity:



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9. Construction hours shall be limited to Monday-Friday 7 AM-6 PM, Saturday 8 AM-5 PM, and Sunday Noon-5 PM. 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.
10. The applicant shall hold a second neighborhood meeting per the development agreement.

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

11. Any new dwelling unit shall be assessed the current impact fees in place at the time of building permit application.
12. The new building shall be assessed the current water/sewer investment fees in place at the time of application for water/sewer service.
13. The applicant shall host a third neighborhood meeting per the development agreement.

Conditions to Be Met Prior to Issuance of a Certificate of Occupancy:

14. When the plaza at the south end of the site is created, a license agreement for use of the right of way will be required.
15. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

C.Parker clarified the conditions for #7, #10, and #13. He explained the applicant would need to come back for approval on the architectural design.

Discussion ensued regarding the construction hours to site work on Sundays, the impact to surroundings residents, the demolition process, and the equipment on site. The Board members agreed to change the construction hours in condition #9 to Sunday Noon- 5 PM.

Discussion ensued regarding the angled parking, sidewalks, and traffic lane changes in comparison to parallel parking.

L.Skinner stated he could not support approval of the proposed plan due to the need to have more time to review the architectural renderings.

Discussion continued regarding the measurements of the angled parking, sidewalks, and traffic lanes in comparison to what is existing. There was further discussion regarding the number of additional parking spaces angled parking could provide, confirmation of residential parking on site, improvements to crosswalks, sight distance, the realignment of Chestnut and Washington Streets, and the traffic light changes.

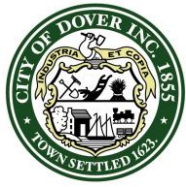
S.Robbins confirmed for F.Torr he did contact the Chair of the Woodman Museum regarding donating items.

C.Parker clarified streetscape information regarding trees and benches pertaining to sight distance for L.Skinner.

F.Torr stated his concern regarding the left turn lane and requested clarification from S.Pernaw.

S.Pernaw presented the traffic summary for the proposed plan, specifically addressing the left turn lane.

Motion: K.Schuman made a motion to approve the site plan subject to staff recommended conditions. Seconded by D.White. Vote 8/1Passed



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- B. Consideration and acceptance of a Site Review for Tennyson Property Management, (Owner: Freeboard Properties, LLC), Assessor's Map 6, Lot 20, zoned CBD, located at 1 First Street (Proposal is to renovate the existing building creating 10 new residential apartments with approx. 5,570 sq. ft. office). *(P16-15)
- C. Consideration and acceptance of a Conditional Use Permit, per Chapter 170-20-B(1), for Tennyson Property Management, (Owner: Freeboard Properties, LLC.), Assessor's Map 6, Lot 20, zoned CBD, located at 1 First Street (Relief from street wall requirement) *(P16-17)

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

C.Parker gave an overview of the proposed plan.

Neil Rapoza, Civil Consultants, represented the applicant, displayed plans for viewing, and explained the proposed plan. Brian Caple, owner of Tennyson Property Management and Freeboard Properties, LLC was also present.

Discussion ensued regarding the use of the ramp instead of the vertical lift, consideration to use the wrought iron fence instead of the masonry wall, dumpster and fire truck access and locations, clarification of the parking spaces and snow removal access, curb cut, sidewalk repair, consideration of a black vinyl fence between properties for dumpster screening, confirmation of updates to the roof and windows of the building, and needed repairs to the rail fence.

N.Rapoza clarified information on sheet A1 of the floor plan for K.Schuman.

L.Skinner received clarification from C.Parker regarding the loading zone. C.Parker confirmed that sheet L1 will be revised to indicate that the vinyl fence is black.

L.Skinner stated his concern regarding the loading zone and barrel planters at the fire truck and snow removal location. C.Parker clarified the intended use of the space. T.Clark confirmed the building would be fully sprinklered.

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

Public Hearing opened. Nobody spoke. Public hearing closed.

Discussion ensued regarding the positive economic development on that street and the need to add sidewalk repair on First Street to the conditions, the barrel planter locations and storage in the winter, fence locations and screening, parking, and the loading section on Second Street and its intended use.

D.White explained the surrounding environment and stated why the wrought iron fence is acceptable.

L.Skinner expressed his concern for granting relief of the masonry walls and creating a precedent.

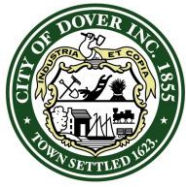
STAFF RECOMMENDATION – SITE PLAN: (P16-15)

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

Conditions to Be Met Prior to Signing of Plans:

Document Created by: Planning Department
Document Posted on: July 1, 2016

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1. The Conditional Use Permit (P16-17) be approved.
2. The owner's signatures must be added to the final plan.
3. Applicant must 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 final plan set must address any engineering concerns to the satisfaction of the City Engineer.
6. The final plan set must meet the Fire Code and any accessibility concerns to the satisfaction of the Fire Chief.
7. The applicant must revise plan set to:
 - a. Indicate lighting on the building to meet Chapter 149-14(E)
 - b. Include a landscape plan per Chapter 149-13(A)(12)
 - c. Revise leader note on sheet L1 that the brick sidewalk along Second Street is to be reconstructed to the satisfaction of the City Engineer.
 - d. Add a note to the landscape plan that 8 planters shall be donated to the City for use in the City right-of-way. Planter shall be specked by Community Services Director.
 - e. Revise the notation on L1 changing the "white" vinyl fence to "black".

Conditions to Be Met Prior to Any Construction Activity:

8. Site Construction hours shall be limited to Monday-Friday 7 AM-6 PM, Saturday 8 AM-5 PM, and Sunday Noon-5 PM. 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:

9. Any new dwelling unit shall be assessed the current impact fees in place at the time of building permit application.
10. 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:

11. The brick sidewalk along Second Street shall be reconstructed to the satisfaction of the City Engineer.
12. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

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

C.Parker explained for C.Plante that item 3.A did not have Sunday construction hours because it is located in a residential district, where items 4.A and 4.B are in the Central Business District.

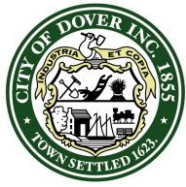
Discussion ensued regarding the fence, the address of the building, and clarification regarding screening for the dumpster.

STAFF RECOMMENDATION –Conditional Use Permit: (P16-17)

The Planning Department recommends that the Board approve the Conditional Use Permit with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The Site Plan (P16-15) must be approved.



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2. A formal agreement between the City and the Planning Board shall be prepared and recorded at the Strafford County Registry of Deeds.
3. The applicant shall revise the plans to show on sheet L1 that the wrought iron fence shall be constructed along the full frontage of the parking lot, minus the permanent egress, along First Street, with a gate if desired, for snow removal adjunct to the alleyway.

Motion: D.White made a motion to approve the Conditional Use Permit subject to staff recommended conditions. Seconded by D.Ciotti. Vote 6/3 Passed

5. STAFF COMMENTS

C.Parker addressed:

- Summer meetings will be held at the McConnell Center
- There will be a workshop as part of the June 28th meeting regarding the rezoning at Glenwood Ave and Central Ave.
- The revised Meeting Schedule was distributed to the Board members.
- Sign amendment issues should be addressed at the August meeting
- Thanked Lee for sending the complimentary email and C.Parker stated his agreement with how well the Planning Board members represent the City.

6. MEMBER COMMENTS

L.Skinner addressed:

- Questioning motives about providing relief on masonry walls
- The sequencing on Pointe Place is a concern. Need more communication regarding City Council's goals.
- Open Space subdivisions have failed in their principle intentions. Chapter 155-20.A.

C.Pratt gave his resignation to the Board. The Board thanked C.Pratt for his service.

F.Torr explained that we now have 3 open alternate positions.

D.Ciotti responded to L.Skinner's comment about communication from the Council.

D.Landry responded to L.Skinner's comment on Open Space Subdivisions. Discussion ensued.

F.Torr reminder the Board that July and August will only have one meeting.

7. ADJOURNMENT

Motion: K.Schuman made a motion to adjourn at 10:02 p.m. Seconded by D.Landry. Vote U/A