DOVER PLANNING BOARD – MINUTES

CITY OF DOVER

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers – City Hall, 288 Central Avenue
Meeting Date:	**Tuesday, December 13, 2016**
Meeting Time:	**7:00 pm**

Members Present: Frank Torr (Chair), Kirt Schuman (Vice Chair), Dennis Ciotti (Councilor), Tom Clark, Dave White, Gina Cruikshank, David Landry, Lee Skinner, Catherine Plante, James Burdin (Alternate), Hayley Harmon (Alternate), Tristan Donovan (Alternate)

Members Not Present:

Staff Present: Christopher Parker (Assistant City Manager), Dave Carpenter (Community Development Planner), Tracy Smith (Recording Secretary)

The Chair called the meeting to order at 7:00 p.m. He welcomed Hayley Harmon as an Alternate Planning Board member.

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

C.Parker provided an overview of the rezoning project, and explained the Planning Board process. He explained the public process for the Citizen's forum, and that this meeting was to hear the details about the project. He recommended a public hearing to obtain feedback, and clarified there would be no public hearing tonight for item 4.B, but on January 24, 2017 if the Board voted accordingly.

F.Torr explained the purpose of the Citizens forum was to hear the public speak on an item not listed on the agenda.

1. CITIZENS' FORUM

Citizens Forum Open.

Michael Graves, 17 Wallace Drive, spoke against the rezoning project and stated his concern as listed in the Staff Memo Z13-10 distributed to the Board members (original in file).

Norman Allie, 66 Stocklan Circle, spoke against the project and stated an economic concern to consider what would happen to the development if it goes out of business.

K.Schuman arrived at 7:06 p.m.

Ann Wilson, 15 Sandra's Run, spoke against the project and stated her concern regarding noise pollution and no longer being able to enjoy the outdoors in the evening.

Weston Jost, 37 Wallace Drive, spoke against the project and stated his concerns regarding traffic issues, noise pollution, wildlife, and the loss of the feel of community and disregard for residential development.

James Wolcott, 171 Columbus Avenue, remains open to the project and stated his traffic concern.

Ryan Antonioli, 174 Columbus Avenue, spoke against the project and his agreement with his neighbors.

Mark Woolley, 24 Evergreen Valley Drive, spoke in favor of project in order to increase the City's tax revenue.

Robert Dinaburg, 54 Augusta Way, addressed item 4.A on the agenda, requested the reason for the application, and stated his traffic concerns.

Stacy Anglace, 23 Wallace Drive, spoke against the project and stated her concerns regarding the loss of the quality of life, effect to her property values, traffic issues, wildlife concerns, and light pollution. She addressed the previously failed rezoning attempt.

Vincent Kasabian, 76 Columbus Avenue, spoke against the project and his agreement with his neighbors. He stated his concern with changing the zone from residential to industrial and how the rezoning project creates a different feet to the location from the area that the residents originally purchased their home.

Francine Ndayisaba, 2 Melody Terrace, spoke against the project and her agreement with her neighbors.

Nathan Riggs, 53 Littleworth Road, spoke against the project and stated his concerns regarding the development of roads next to his home and the effect to his property value. He stated further concerns regarding noise pollution and the effect to their quality of life.

Ted Anglace, 23 Wallace Drive, spoke against the project and distributed a 2015 Master Plan map to the Board members (original in file). He addressed the previous rezoning attempts that failed (referred to February 10, 1999 and January 15, 2003 Meeting Minutes) and the new homes that were built in place of commercial. He addressed the map and stated the project does not fit the master plan. He requested the handouts get posted with the Meeting Minutes.

David Burke, 14 Stocklan Circle, spoke against the project and requested numbers to show a positive impact with the development.

Mike Brimmer, 23 Stocklan Circle, spoke against the project and requested information due to the fact that he's new to the neighborhood.

Michael Brown, 1 Melody Terrace, spoke against the project and stated his concern with the impact the development would bring to the view of his home and the quality of life.

David Scott, 220 Back Road, spoke against the project and asked if the Board members' allegiance is with the homeowners or developers.

Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- November 15, 2016 Special Meeting Minutes

Motion: K.Schuman made a motion to approve the November 15, 2016 Special Meeting Minutes. Seconded by G.Cruikshank. Vote U/A

3. OLD BUSINESS

A. Consideration and possible vote on an amendment to the conditions for a previously approved Site Plan (4/26/16) for Summit Land Development (Owner: Varney Brook Lands, LLC), Map K, Lot 19-5, zoned ETP (RCM Overlay), located at Pointe Place. (Amended condition to change collection date of impact fees to be paid prior to issuance of a certificate of occupancy). (P16-05B)

C.Parker gave an overview of the application.

Chad Kageleiry, agent for Summit Land Development and Varney Brook Lands, LLC, presented the application and requested the impact fee be applied when the building is occupied.

Discussion ensued regarding changes under the amendment for P16-05A, and the proposed timeline for the project.

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

C.Parker clarified for C.Plante the construction status of the two buildings, that there is no impact to the community until the residents move in, and the building cannot be used without a Certificate of Occupancy.

4. **NEW BUSINESS**

A. Consideration and acceptance of a Minor Lot Line Adjustment for Varney Brook Lands, LLC and the City of Dover, Assessor's Map K, Lots 19 & 18A-10, zoned ETP and R-12, located at Pointe Place and Applevale Drive. (*P16-35)

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.

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

Public hearing opened.

Gary Schintzius, 16 Applevale Drive, requested information regarding the park due to the change in the property line.

C.Parker explained the proposed project and addressed it on the plan that was displayed for the public. He stated the access would be off Pointe Place and not Applevale Drive and that improvements would be made to the playground.

Public Hearing Closed.

STAFF RECOMMENDATION:
The Planning Department recommends that the Planning Board approve the lot line adjustment plat 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 applicant shall revise the plat to:
    a. Include the Planning File number P16-35 to the title block
    b. Indicate building setback lines
    c. Add surveyor's stamp and signature to the final plat
    d. Add the owner's signatures to the final plat submitted for signature.

C.Parker clarified for K.Schuman when the ballfield would be ready to use, the location of the parking, and the concept plan.

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

B. Discussion and possible vote for posting on a Citizen's Petition for a Zoning Amendment for USA Training Centers and Richard & Anna Kay, Assessor's Map G, Lots 19-B, 29, 29-A, 29-B, 29-C, 30-B, located off Littleworth Road, Tolend Road & Columbus Avenue (Rezone 106.45 acres from Assembly and Office (I-4) and Low Density Residential (R-20) to Rural Restricted Industrial District (I-2). (*P16-36)

C.Parker explained the rezoning application process as it pertains to decision options for the Planning Board and the public hearing process. He clarified for K.Schuman the purpose of this meeting to hear the proposed project, and the process if the Board chooses to adopt the petition, the City Council options, and the property owner's rights regarding a protest petition.

F.X. Bruton, Bruton & Berube, represented the applicants, displayed plans for viewing, and presented the proposed project. David Hoyt, USA Training Center and Robert Stowell, Tritech Engineering, were also present. He stated the developer had an informational meeting with the abutters to hear their concerns and to incorporate those concerns into the project.

Discussion ensued regarding the map distributed to the Board members, clarification that the applicant can nominate areas for rezoning and that one nominated property owner was opposed to the rezoning project, clarification of the process to rezone properties as it pertains to the regulations and City Council, the location of the ballfield on the plan, clarification of the lack of the detail on the conceptual plan for the public and that the applicant would not present a full design at this time in case the project were not approved.

L.Skinner addressed the plan displayed for viewing by F.X.Bruton, and that he did not receive that copy.

The Chair announced a recess at 8:36 p.m. in order to print additional copies of the map for the Board members.

The meeting reconvened at 8:53 p.m.

Copies of the map (original in file) were distributed to the Board members and public.

F.X.Bruton further explained the proposed plan as it was presented in the application.

Discussion ensued regarding clarification of the inclusion of lot B-30 to the rezoning project, the business model and seasonal schedule of the training camp and the traffic impact, and the objective to address traffic issues with this project that would pertain to traffic calming and Department of Transportation review where the opportunity would not be available for a project in the R-20 District.

Discussion continued regarding the noise issues and traffic layout before and after a game at the current facility in Portsmouth, and the need to obtain additional information and have a public hearing to see if the project can work.

G.Cruikshank addressed the abutter comment by D.Scott regarding Planning Board loyalty and clarified their loyalty is with the City of Dover and the requirement to look at each project based on its own merit.

Motion: K.Schuman made a motion to post the amendment to the January 24, 2017 meeting and a public hearing will be held that evening. Seconded by D.Ciotti. Vote 8/1 Passed

C.Parker confirmed the following:

- for C.Plante that the petitioner pays for the abutter notice.

- the abutter notice process, public hearing and the rights to speak for D.Landry. He explained the 100 ft. parameter used for these notices, and stated any citizen that lives outside this parameter and wants a notice (ie. Lucy Lane and Stocklan Circle) can email him.

- the meeting on January 24, 2017 will have new conceptual plans, and the abutter notice will be sent 12 days prior to the meeting to make it available to the public.

- for T.Clark the City is not opposed to the City owned land being part of the rezoning project, and that he would reach out to the other nominated property owners to get their response to include in the planning packets for the meeting on January 24, 2017.

- for K.Schuman the staff level analysis on January 24, 2017 regarding the yield plan, wetland, and traffic analysis as it pertains to this project or 100 home residents.

- would look to limit applications for the meeting on January 24, 2017, and emails received in advance would be distributed to the Planning Board members in advance for review.

The Chair announced a recess at 9:45 pm.

The meeting reconvened at 9:50 p.m.

C. Consideration and acceptance of an Extension Request for a previously approved Open Space Subdivision for Patricia Seaford (Owners: John & Caroline McGlone), Assessor's Map I, Lot 124, zoned R-40, located at 25 Piscataqua Road. Subdivision originally approved January 19, 2012. (*P09-16B)

C.Parker gave an overview of the application.

Patricia Seaford presented the proposed plan, and stated they are in a position to move forward with the project. Caroline McGlone was also present.

P.Seaford answered Board member questions that they are putting the property on the market, they have a realtor with potential buyers/developers, and there would be no problems regarding compliance with the requirements.

D.Ciotti stated his concern regarding approving a project that is not updated to the current regulations.

C.Parker clarified the developer would have to come back and a Planning Technical Review Committee would be needed to confirm compliance. He stated advice was given to the applicant regarding obtaining the original engineer to address the storm water management regulations, and that any variations would have to come back before the Planning Board.

Discussion ensued regarding the modifications needed to the plan, requirements and options available for the new owner, and that the options were provided to the applicant to avoid the need for another extension one year from now.

Discussion continued regarding the reason gravel was opted for the drive, that the applicant has one year to comply with the conditions, and the applicant would have to return to the Planning Board if a waiver was requested.

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 re-approve the application with the following conditions:

Conditions to Be Met Prior to the Signing of the Plans:

1. The owner's signature shall be added to the final plan set submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plan.
3. The applicant shall revise the previously amended plan to conform to current land use regulations, including setbacks and road way requirements.

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

4. Any new dwelling shall pay the impact fees at the time of the building permit application.
5. The applicant shall submit the Strafford County Registry of Deeds recording number, book and page to the Planning Department.

C.Parker stated the time frame as it pertains to the regulations for condition #3 for D.Ciotti.

Motion: K.Schuman made a motion to approve the Extension Request subject to staff recommended conditions. Seconded by G.Cruikshank. Vote 8/1Passed

D. Overview of upcoming FY 18 CDBG application review process.

C.Parker stated there would be changes in the application process which would be addressed at the meeting on January 10, 2017.

D.Carpenter provided the timeline and a brief overview regarding the changes in the application categories, and stated that the Board is to expect to receive the binders containing the new applications for the January 10, 2017 Workshop meeting.

Discussion ensued regarding the loan review program, the fund source based on prior year income for future applicants, and the need to engage those who are not being timely with the funds.

5. STAFF COMMENTS

C.Parker provided an update regarding the project on Third Street. He stated that the Robbins project expired and was not completed, and to expect upcoming projects for Central Avenue and Third and Grove Street.

He addressed T.McManus concerns from the previous meeting, and stated he reached out to him to discuss the difference between the Gateway and Downtown Gateway districts, adding he would like to recommend changing the names.

He reminded the Board members of the Land Use Meet & Greet on January 10, 2017 which will include a Stewardship of Resources Master Plan presentation and a public hearing for the CDBG applications.

6. MEMBER COMMENTS

Discussion ensued regarding comments of mixed used projects pertaining to Third Street, Pointe Place and Chinburg at the Mill, and the need to review the regulations regarding Open Space Subdivisions.

The Board members welcomed H.Harmon.

F.Torr thanked the Board for the opportunity to serve as Chair. He stated he will not seek out a second term.

7. ADJOURNMENT

Motion: K.Schuman made a motion to adjourn at 10:38 p.m. Seconded by L.Skinner. Vote U/A