

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - City Hall, 288 Central Avenue
Meeting Date: **Tuesday, February 28, 2017**
Meeting Time: **7:00 pm**

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

Members Not Present: Dave White, Tristan Donovan (Alternate), Hayley Harmon (Alternate)

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

The Chair recognized J.Burdin to sit in for D.White, and called the meeting to order at 7:06 p.m.

The meeting was called to order late to try to remedy video recording issues. It was determined to use the audio recorder at 7:06 p.m. pending Media Staff arrival for video recording.

1. CITIZENS' FORUM

Citizens Forum Open.

Bob Riga, 46 Stocklan Circle, distributed copies to the Board and addressed item 4.E on the agenda regarding the public uses in the I-2 District. He stated his concern regarding the timing of the District changes as it pertains to the rezoning with the Kay property and the updates to the ordinance regarding the uses to diffuse the arguments of the opponents to the rezoning project. He questioned whether the Board was doing this to cover any future legal actions. He suggested changes to remove commercial recreation, eating and drinking establishments, and hotels, increasing the setback from the proposed 30 ft. to 150 ft., and the involvement of existing buffers.

Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- February 14, 2017 Regular Meeting Minutes

Motion: D.Ciotti made a motion to approve the February 14, 2017 Regular Meeting Minutes. Seconded by L.Skinner. Vote U/A

3. OLD BUSINESS

- A. Consideration and possible vote of an amendment to the conditions for a previously approved Site Plan (2/10/2015) for Bradley Commons (Owner: Housing Partnership) Map 27, Lots 2, 3, 4, & 15, zoned CBD, located at 577 Central Avenue (Amended development agreement). (P14-34A)

The Chair stated item 3.A has been postponed to March 14, 2017.

D.Benton explained the item would not be heard due to materials not being ready for the packet in time and therefore not available for public viewing.

Motion: F.Torr made a motion to table item 3.A to the March 14, 2017 Planning Board meeting. Seconded by J.Burdin. Vote U/A

G.Cruikshank stated items 4.A, 4.B, and 4.C would be heard together.



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4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for Summit Land Development, (Owner: Varney Brook Lands, LLC), Assessor's Map K, Lot 19-6, zoned ETP (RCM Overlay District), located at Pointe Place. (Proposal is for grading, drainage outfall, a portion of the driveway, and a small (15'x20') exterior storage shed in the wetland buffer). (*P17-04)
- B. Consideration and acceptance of a Site Plan Review for Summit Land Development (Owner: Varney Brook Lands, LLC), Assessor's Map K, Lot 19-6, zoned ETP (RCM Overlay District), located at Pointe Place. (Proposal is for a 38,800 sq. ft. new memory care residential development with a total of 55 parking spaces within the 40,140 sq. ft. paved area.) (*P17-05)
- C. Consideration and acceptance of a Subdivision Review for Summit Land Development (Owner: Varney Brook Lands, LLC), Assessor's Map K, Lots 19-4, 19-6, zoned ETP (RCM Overlay District), located at Pointe Place. (Proposal is to subdivide 1 new lot). (*P17-06)

D.Benton provided an overview regarding an update of the applications.

Chad Kageleiry of Summit Land Development and Varney Brook Lands, LLC, displayed a plan for viewing, and presented the proposed plan. Eric Weinreib of Altus Engineering, Inc., was also present.

Discussion ensued regarding clarification of the easement on the lot regarding the driveway, the reason for the lot shape for a berm and the use of the land for stormwater management, the location of two apartment buildings on the south side of the Pointe Place road, the calculation used regarding acreage and conservation land pertaining to the density of the number of units and the adjacent property, location of the wetland buffer line on the plan which was granted via a previous Conditional Use Permit, confirmation that C.Kageleiry would be selling the land to the company that will be running the facility and that the new company would have to adhere to the concept plan, the location of the easement on Map K lot 19-4 which the townhouses will have access, setbacks, consideration of the Conservation Commission notes regarding the wetland buffer impact, snow maintenance/clearance concerns pertaining to the development and the adjacent property, a wetland buffer encroachment concern regarding the driveway, the reasoning behind the location of the maintenance shed in the wetland buffer, clarification of condition #11, and the building on the displayed plan.

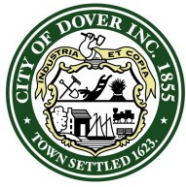
Motion: D.Ciotti made a motion to accept the applications for items 4.A, 4.B, and 4.C. Seconded by F.Torr.
Vote U/A

Public hearing opened.

Paul Goldberg, 3 Madelyn Drive, stated the project would be a good addition to the area. He stated concerns about fire access and the trash collection hours. He requested that garbage pick-up times be considered as a condition.

Public Hearing Closed.

D.Benton stated that one of the proposed conditions would address the fire access, and that the City does not have a noise ordinance so it would be up to the Board's discretion regarding the dumpster hours.



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STAFF RECOMMENDATION: (P17-04)

The Planning Department recommends that the Planning Board vote to approve the Conditional Use Permit with the following condition:

Condition to Be Met Prior to the Issuance of the Conditional Use Permit:

1. The subdivision plan (P17-06) shall be approved.

STAFF RECOMMENDATION: (P17-05)

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

Conditions to Be Met Prior to Signing of Plans:

1. The Subdivision Plan (P17-06) must be approved and recorded.
2. The Conditional Use Permit (P17-04) must be approved.
3. The owner's signatures must be added to the final plan.
4. Applicant must provide a digital version of plan set.
5. The Professional Engineer, Licensed Land Surveyor, and Licensed Landscape Architect will need to sign and stamp final plans.
6. Submit landscape operation and maintenance plan to the satisfaction of the Assistant City Manager.
7. The applicant must revise plan set to:
 - a. Revise the lighting plan to meet Section 149-14.E including adding details of the fixtures.
 - b. Indicate colors and materials on the architectural renderings which need to meet architectural design standards 149-14.2.(B) 9) & 10).
 - c. Meet Building/Fire Department outstanding comments to the satisfaction of the Building Official.

Conditions to Be Met Prior to Any Construction Activity:

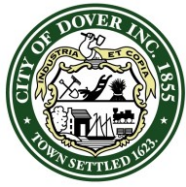
8. The site plan shall be recorded at the Registry of Deeds, with documentation sufficient to provide notice to all persons that may acquire any property subject to the requirements and responsibilities described in the approved Stormwater Management Plan. The notice shall comply with the applicable requirements for recording contained in RSA 477 and 478.
9. Site Construction hours shall be limited to Monday-Friday 7 AM-6 PM, Saturday 8 AM-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:

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. Any new building shall be assessed the current impact fees in place at the time of building permit application.
12. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.



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STAFF RECOMMENDATION: (P17-06)

The Planning Department recommends that the Planning Board vote to approve the minor 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 to be recorded at the Strafford County Registry of Deeds.
2. The Licensed Land Surveyor shall 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 add the planning file number (P17-06) to all sheets.

Discussion ensued regarding the wetland buffer and that the Conservation Commission endorsed the project pertaining to the driveway access, additional encroachments to the wetland buffer as the project has progressed, and clarification regarding encroachment within the 30 ft. sewer easement and that the buffer area is due to a man-made pond.

Discussion ensued regarding several Board member concerns with the consideration of establishing dumpster hours as a condition.

D.Ciotti explained to P.Goldberg that he has the right to contact the police and file a complaint if the trash is collected at an inappropriate hour.

Motion: F.Torr made a motion to approve the Conditional Use Permit (item 4.A) subject to the staff recommended conditions. Seconded by T.Clark. Vote 8/1 C.Plante opposed.

Motion: F.Torr made a motion to approve the site plan (item 4.B) subject to the staff recommended conditions. Seconded by T.Clark. Vote U/A

D.Benton clarified condition #6 regarding landscaping for F.Torr.

Motion: F.Torr made a motion to approve the minor subdivision plan (item 4.C) subject to the staff recommended conditions. Seconded by T.Clark. Vote 8/1 C.Plante opposed

D. Consideration and possible vote on revised Planning Board Bylaws.

D.Benton addressed the document distributed to the Board members in their packets.

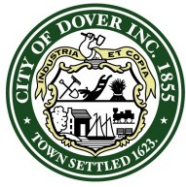
Discussion ensued regarding the suggested changes to the Bylaws, with particular attention to the specific language of item 8.G., and the need to table the item for further evaluation.

Motion: T.Clark made a motion to table the item pending additional revisions. Seconded by L.Skinner. Vote U/A

E. Discussion and possible posting of amendments to Rural Restricted Industrial (I-2) district.

D.Benton provided an introduction to the item.

E.Piekut addressed the recent approval to the rezoning item motioned to forward to the City Council for ratification and presented the information pertaining to the I-2 district. She addressed the comments made by



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B.Riga for T.Clark regarding the setbacks according to the minimum lot sizes and frontage and the possible legalities involved.

Discussion ensued regarding clarification on page 4 footnote #3 to add Columbus Avenue, the 30 ft. setback similar to R-40, the rear and side setback clarification from the property line one for the principle structure and one for the accessory dwelling structure, the setback requirements between buildings and the minimum distance from an abutting residence, rear setback clarification, comparison of rear and side setback to the I-4 district and the R-20 district, confirmation that changes require a City Council vote, and consideration for a workshop to go over issues for further discussion.

D.Benton explained the process.

Discussion ensued regarding the timing and reason to address the changes to the I-1 and I-2 Districts due to the changes in business and industry, the need for a Workshop to further evaluate both districts and additional Board suggestions, such as, non-conformity issues, a request to define more words used in the Zoning Ordinance, and clarification of the goals regarding the districts.

STAFF RECOMMENDATION:

Staff recommends removing “Industry” from permitted uses as it is undefined, while “LIGHT INDUSTRY” is permitted and defined in a way that permits industry while protecting abutters from noxious uses. Staff also recommends removing several uses which are rarely encountered and may be considered obsolete or unnecessary.

Staff recommends that “Fuel, Oil, or Gas Storage” be a Special Exception use rather than a use permitted by right and has amended the special exception criteria that also apply to AUTO SERVICE STATIONS and VEHICLE REFUELING AND RECHARGING STATIONS.

The amendments also include an increase in side and rear setbacks from 10 feet to 30 feet, and a 75-foot front setback particular to parcels fronting on Columbus Avenue.

The Planning Board should post the proposed amendments for a public hearing March 28th, 2017.

F. Discussion and possible posting of amendments to the Restricted Industrial (I-1) district.

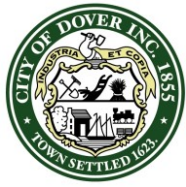
E.Piekut addressed the issues regarding the I-1 districts and recommended the Board post the amendments.

STAFF RECOMMENDATION:

Staff recommends eliminating the I-1 Zoning District in question by rezoning it to Urban Density Residential (RM-U). Surrounding lots are zoned RM-U or R-12. In the coming months, staff will present amendments to the other two I-1 districts with the goal of eliminating them while providing for continued commercial/industrial uses more consistent with adjacent districts.

Rezoning these five lots to RM-U will render industrial buildings (which predate zoning) nonconforming, but allow for residential or minor commercial redevelopments that are more compatible with the surrounding neighborhood.

The Planning Board should post the proposed amendments for a public hearing March 28th, 2017.



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Motion: F.Torr made a motion to table the items 4.E and 4.F to a Workshop meeting on March 21, 2017. Seconded by L.Skinner.

C.Plante addressed the workshop date and adding a third Tuesday to the schedule, and requested using April 2, 2017 which is a normal Planning Board meeting date.

Discussion ensued regarding clarification of the intention to meet the second and fourth Tuesdays, the volume of applications and the attempt to schedule these during the regular meetings, adding if there's a heavy load could start earlier.

Revised Motion: F.Torr made a motion to table the items 4.E and 4.F to a Workshop on a future regular meeting agenda to be determined subject to staff's discussion. Seconded by L.Skinner. Vote U/A

5. STAFF COMMENTS

D.Benton updated the Board about a number of upcoming applications received by the Planning Department and how the volume is already about half of last year's total applications.

D.Benton distributed a document to the Board members regarding the annual Office of Energy and Planning conference for April 29, 2017, and requested those interested in attending to contact Staff.

6. MEMBER COMMENTS

L.Skinner requested a site walk for the Central and Glenwood Avenue property.

Discussion ensued regarding consideration of a site walk with areas marked out, that the application is scheduled for the March 14, 2017 Planning Board meeting, the need to check with the applicant before confirming the site walk date and the time regarding staking out the property, the concern with scheduling the site walk between meetings, and the consideration to revisit the schedule at the next meeting.

The site walk was tentatively scheduled for Saturday, March 11, 2017 at 9:00 a.m. should that work for the applicant's schedule.

K.Schuman stated the final report he received from the New Hampshire Coastal Risk and Hazards Commission will be on file in the Planning Office.

7. ADJOURNMENT

Motion: F.Torr made a motion to adjourn at 9:22 p.m. Seconded by L.Skinner. Vote U/A