

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - City Hall, 288 Central Avenue
Meeting Date: **Tuesday, April 11, 2017**
Meeting Time: **7:00 pm**

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

Members Not Present: James Burdin (Alternate)

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.

1. CITIZENS' FORUM

Citizens Forum Open. Nobody Spoke. Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- March 28, 2017 Regular Meeting Minutes

Motion: D.White made a motion to approve the March 28, 2017 Regular Meeting Minutes to include the corrections made by F.Torr and T.Clark. Seconded by D.Ciotti. Vote U/A

F.Torr requested the names of the Committee members be included on page 15 of the Regular Meeting Minutes.

T.Clark stated the phrase pertaining to the condition regarding the left turn in on page two should read “excluded”, not “included”. He noted it was referenced correctly in the conditions.

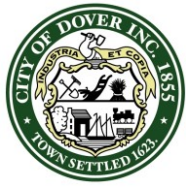
3. OLD BUSINESS

G.Cruikshank stated items 3.A, 3.B, and 3.C would be heard together.

- A. Consideration and possible vote of a Conditional Use Permit for Daniel Ayer, Assessor's Map N, Lot 18, zoned R-40, located off McKone Lane and Back Road. (Proposal is to build a new subdivision road and drainage facilities that impact 2,197 sq. ft. of steep slope greater than 20 percent). *(P17-10)
- B. Consideration and possible vote of a Conditional Use Permit for Daniel Ayer, Assessor's Map N, Lot 18, zoned R-40, located off McKone Lane and Back Road. (Proposal is to build a new subdivision road that crosses a wetland. Impacts include 350 sq. ft. of wetland impact, and 24,283 sq. ft. of wetland buffer impact.). *(P17-12)
- C. Consideration and possible vote of an Open Space Subdivision of land for Daniel Ayer, Assessor's Map N, Lot 18, zoned R-40, located off McKone Lane and Back Road. (17 lots) *(P16-25)

Motion: D.Ciotti made a motion to remove the items from the table. Seconded by F.Torr. Vote U/A

C.Parker provided background information and an update regarding the applications. He stated the fiscal impact pertaining to the student calculations will be updated on the plan.



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Kevin McEneaney, McEneaney Survey Associates Inc., represented the applicant, displayed a plan for viewing, and presented the updated information to the proposed plan. Daniel Ayer, owner, and Mike Sievert, MJS Engineering, were also present.

Discussion ensued regarding the total calculation of the fiscal impact to the 17 lots, and that four of the lots had been reviewed at a prior subdivision application.

Discussion continued regarding clarification of the wetland buffer impact and the impact locations on the plan, that there would be no public access to the open space lots, that a private pier will be available for use for the lot owners, and that the utility easement on sheet 7 of the plan is for drainage structures in the open space, and that these are not for the pump sewer systems.

Public hearing Reopened. Nobody Spoke. Public hearing closed.

STAFF RECOMMENDATION: (P17-10)

The Planning Department recommends 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 applicant revise the CUP plan to indicate the correct Planning File Number (P17-10)
2. The owner shall sign the final plan set.
3. The Professional Engineer shall sign and stamp the final plan set.

Motion: F.Torr made a motion to approve the Conditional Use Permit subject to staff recommended conditions. Seconded by L.Skinner. Vote U/A

STAFF RECOMMENDATION: (P17-12)

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

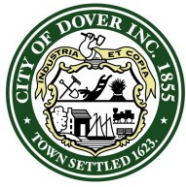
Condition to Be Met Prior to the Issuance of the Conditional Use Permit:

1. The applicant shall revise the plat to indicate wetland buffer signs be placed on any lot with a buffer on the lot and in the open space area between Eagan and Whitely Drive.
2. The applicant revise the CUP plan to indicate the correct Planning File Number (P17-12)
3. The owner shall sign the final plan set.
4. The Professional Engineer shall sign and stamp the final plan set.
5. Provide the Planning Department a copy of the NHDES Wetlands Permit and NHDES Shoreland Permit.

Motion: T.Clark made a motion to approve the Conditional Use Permit subject to staff recommended conditions. Seconded by F.Torr. Vote U/A

STAFF RECOMMENDATION: (P16-25)

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



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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
 - b. lot merger paperwork to be recorded
 - c. revised Fiscal Impact Analysis with revised school enrollment predictors and break downs of four areas the tax rate covers.
4. The applicant shall revise the plat to:
 - a. Include a revised Current Use plan for the property to the Assessing Department's satisfaction.
 - b. Indicate permit approval dates
 - c. Indicate existing tree line/wooded area to remain
 - d. Add note about recording stormwater plan
 - e. Indicate location of central mail delivery point or supply letter from Post Master indicating individual mail delivery.
5. The applicant's proposed Homeowner's Association Documents shall address access to the open space lot, preservation of perimeter landscaping, snow removal, solid waste hauling, found mounts, utility mounts, and ownership and maintenance of common areas including open space, 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. 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:

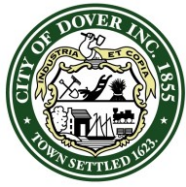
8. Any new dwelling units shall be assessed the current sewer investment fees in place at the time of application for sewer service.
9. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work, which will need to detail the phasing.

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

10. Any new dwelling unit shall pay the current impact fees in place at the time of certificate of occupancy.

C.Parker made adjustments to the conditions for the Building Permit and Certificate of Occupancy. Condition #9 was removed from Certificate of Occupancy conditions and listed under Building Permit.

Motion: F.Torr made a motion to approve the subdivision plan subject to staff recommended conditions.
Seconded by T.Clark. Vote U/A



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DOVER PLANNING BOARD – MINUTES

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- D. 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)

C.Parker provided the background information pertaining to the amendment. He stated the tax obligation would be paid by a different entity and that no changes would be made to the number of units or the site plan.

Marty Chapman, Executive Director for The Housing Partnership, presented the application for the amendment.

C.Parker clarified for F.Torr that condominiums are assignments of ownership not land use, and stated the common maintenance and operations for condominiums.

Discussion ensued regarding concerns with the language of the development agreement, the ownership of the buildings and legal obligation for the buildings and payment for the taxes, that the second building would not be built, and possible default of the site plan approval and legal repercussion.

M.Chapman clarified the intent to build with a separate tax identification for the buildings in the event payment was not received. He stated they could provide separate tax identifications for separate owners. C.Parker explained the payment of the taxes was for individual condominium units and not the whole project.

Discussion ensued regarding clarification of the units to be considered multi-family structures and not referred to as work force housing, and the particular financing involved on the State level for work force housing.

Discussion continued regarding further concerns regarding the obligation of the applicant, ownership of the units and the wording of the development agreement.

C.Parker recommended the Board table the item to have the City Attorney attend the next meeting to answer questions, and so the applicant could work on the wording of the development agreement to clarify ownership of the units and the obligation.

Motion: L.Skinner made a motion to accept the application. Seconded by T.Clark. Vote 8/1 D.Ciotti opposed

Motion: T.Clark made a motion to table the item pending additional information. Seconded by D.White. Vote U/A

- E. Consideration and possible vote on revised Planning Board Bylaws.

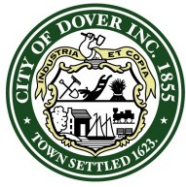
D.Benton addressed the revisions made to the Planning Board Bylaws.

Discussion ensued regarding consideration to keep 9.G and B, and changing article 8 to allow people in abutting towns the opportunity to speak if applicable and the language to use.

Discussion continued regarding consideration of 9.G and B and the comparison of the public hearing and the Citizens Forum, clarification, and the pertinence of the document and the language to use.

D.Ciotti addressed article 9, section 9 and the procedure to notify abutters.

C.Parker explained the procedure regarding adopting the bylaws.



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Motion: D.Ciotti made a motion to post the revisions to Planning Board Bylaws with the corrections. Seconded by L.Skinner. Vote U/A

L.Skinner complimented all who worked on the project.

4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for Kyle & Joshua Cote, Assessor's Map 10, Lot 22, zoned HR (Heritage Residential), located at 281 Washington Street. (Proposal is to convert existing structure (barn) to a fourth unit). *(P17-19)

C.Parker provided an overview of the application.

Joshua Cote presented the proposed plan. Kyle Cote was also present.

J.Cote confirmed for F.Torr that they would be keeping the carriage house, it will be part of the garage, and the parking to be provided.

J.Cote confirmed for T.Clark that the landing in the barn is attached to the carriage house. T.Clark stated the need for the applicant to contact the building official regarding a sprinkler system for the house due to the attachment.

Motion: F.Torr made a motion to accept the application. Seconded by T.Clark. Vote U/A

Public hearing opened. Nobody Spoke. Public hearing closed.

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. A formal agreement between the Planning Board and the applicant shall be prepared and recorded at the Strafford County Registry of Deeds (at the expense of the applicant).
2. The applicant shall provide a full surveyed plan that indicates the property line, existing setbacks and buildings, and fence/screening with a note that any additional pavement must meet the setback requirements of 5' from the side and rear and 10' from the front property line. The plan shall meet the satisfaction of the Planning Director.

C.Parker confirmed for D.Ciotti the parking requirement of 8 spots has been met, and that the garage is included as a parking spot as long as someone has room to back out without going through a tandem space.

Motion: T.Clark made a motion to approve the Conditional Use Permit subject to staff recommended conditions. Seconded by F.Torr. Vote U/A

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

T.Clark stated his son is employed by Chris Berry and that he believed there was no conflict of interest on his part. There were no objections made.



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- B. Consideration and acceptance of a Minor Subdivision for Changing Places, LLC, (Owner: City of Dover), Assessor's Map 6, Lot 54A, zoned CBD, located at Third Street. (1 new lot) *(P17-20)
- C. Consideration and acceptance of a Site Plan Review for Changing Places, LLC, (Owner: City of Dover), Assessor's Map 6, Lot 54A, zoned CBD, located at Third Street. (Proposal is for a 32,534 s.f. mixed use development with a total of 27 parking spaces within the 27,984 sq. ft. paved area.) *(P17-02)

C.Parker provided an overview of the proposed plan regarding the applications. He stated there was an abutter meeting held on April 10, 2017 and no one showed at the meeting.

Christopher Berry, Berry Surveying & Engineering, Inc., represented the applicants, displayed a plan for viewing, and presented the proposed plan.

C.Berry confirmed for D.Landry that the stormwater management is for the entire site, to include the public park.

C.Parker stated the applicant name and the developer name is separate and transferable. The correct name is Carriage Hill, LLC created for this entity who has the right to develop the lot.

C.Parker confirmed for C.Plante that Carriage Hill, LLC will own the building and purchase the lot from the City, and the City will own the remaining parking spaces. C.Berry addressed the displayed plan and provided the locations that the City will own for parking.

Discussion ensued regarding the location and style of the entrance and fence and that they are working with Holy Rosary Credit Union to create a uniform look, and confirmation that the pedestrian crossing will be part of the development agreement regarding the entrance and exit areas, and that there will be a fence and a guardrail.

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

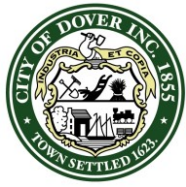
Public hearing opened. Nobody Spoke. Public Hearing Closed.

C.Parker recommended tabling the items in order to review at the April 25, 2017 meeting. He stated the applicant will be providing two additional Conditional Use Permits regarding the project.

C.Plante stated her concern regarding complaints she has received from residents regarding the rezoning projects and zoning changes, and compared this project to the intent of the rezoning projects. She stated projects like this one which works against the rezoning intent regarding the development of more residential use.

C.Parker confirmed for F.Torr that a landscape and maintenance plan is in the conditions, and that land owned by Dave Bamford will be landscaped and used for parking.

Discussion ensued regarding promoting housing near the town to promote business, the required services needed for the different styles of housing needed and that the impact fees matrix will be reviewed with the school impact of residential to commercial.



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Discussion continued regarding clarification that there was no interest in the lot for commercial use, that the maintenance agreement has been addressed for snow removal, that the district is not a business district and the mixed use will promote the downtown area, and historical discussion pertaining to the site.

Motion: D.White made a motion to table items 4.B and 4.C. Seconded by D.Ciotti. Vote U/A

5. STAFF COMMENTS

C.Parker stated the Office of Energy and Planning has training available for the Board members and those interested are to contact the office to sign up.

C.Parker distributed packet materials to the Board for the April 18, 2017 Workshop meeting and briefly reviewed agenda items with the Board members. The School Board will also be having a meeting the same night to interview school board candidates during the workshop; therefore, the Workshop meeting will be recorded and rebroadcasted on Wednesday, April 19, 2017.

6. MEMBER COMMENTS

L.Skinner addressed residential construction before the rezoning project and observations made regarding the amount of land available and the waivers and Conditional Use Permits granted for them, and the need to address this for long term planning.

7. ADJOURNMENT

Motion: G.Cruikshank made a motion to adjourn at 8:44 p.m. Seconded by C.Plante. Vote U/A