DOVER PLANNING BOARD – MINUTES

Meeting Type:	Regular Meeting
Meeting Location:	McConnell Center Room 306, 61 Locust St., Dover, NH 03820
Meeting Date:	**Tuesday, June 27, 2017**
Meeting Time:	**7:00 pm**

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

Members Not Present: Catherine Plante, Tristan Donovan (Alternate), Hayley Harmon (Alternate)

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

The Chair called the meeting to order at 7:00p.m., and recognized J.Burdin to sit in for C.Plante.
He described the process used to hear cases and the opportunities for the public to communicate.

C.Parker confirmed for K.Schuman that item 4.F on the agenda does not have a public hearing, and that the Citizen's Forum would be the opportunity for the public to speak on that item.

1. CITIZENS' FORUM

Citizens Forum Open.

Jack Mettee, 56 Rutland Street, Chairman of the Waterfront Development Committee, addressed item 4.F on the agenda regarding the rezoning project, and stated that the Committee voted to support the project.

Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- June 13, 2017 Regular Meeting Minutes

Motion: F.Torr made a motion to approve the June 13, 2017 Regular Meeting Minutes as amended. Seconded by D.Ciotti. Vote U/A

T.Clark addressed the last statement in the paragraph at the bottom of page 11 which stated, "there currently is no civil matter", and questioned the accuracy of the statement. L.Skinner suggested a change to the wording to read, "no identified civil matter".

3. Discussion ensued regarding clarification of the appropriate wording to determine whether it is a civic or civil issue. The Board agreed to the wording, "there currently is no identified civil matter". Furthermore the Board clarified that the line "that a boundary line is a civic issue," should read a "that a boundary line is a civil issue,"

C.Parker clarified the Planning Board role as requested by K.Schuman in the decision process for applications with non-binding conditions. He clarified what projects are treated as binding and non-binding, and confirmed the Board would provide non-binding recommendations.

4. OLD BUSINESS

There was no Old Business.

5. NEW BUSINESS

A. Consideration and acceptance of a Conditional Use Permit for the City of Dover per RSA 674:54, Assessor's Map 31, Lot 2, located at 63 Fourth Street, zoned CBD (Proposal is to create a paved ramp and trail head, impacting 1,730 sq. ft. of wetlands and 12,560 sq.ft. of wetlands buffer) and a Conditional Use Permit for the City of Dover per RSA 674:54, Assessor's Map 15, Lots 40-A, 21-22, located at Fisher Street & 271-279 Locust Street, zoned I-1 (Proposal is to pave a trail from Fisher Street to Central Ave, impacting approximately 41,916 sq.ft. of wetlands buffer). *P17-39

C.Parker provided an overview and background information regarding the application.

Rick Lundborn, CLD Consulting Engineers, represented the applicant, displayed plans for viewing, and presented the proposed plan.

Discussion ensued regarding the easement locations on the properties and the need to acquire a right of way and the owners' awareness regarding negotiations to obtain the land until the need for a permit exists, the process regarding the next phase for the wetland permit and design stage, sanitation facilities consideration and locations of current facilities near the trail, confirmation of rubbish bins on the site, rain garden maintenance clarification, and consideration of the wetland locations and stagnate water on the Fisher Street/Washington Street locations and the need to clean up those areas, the future long range maintenance plan for the trail, and a community clean-up day for the trail.

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

Public hearing opened.

Lou Muniz, 40 Fisher Street, owns property abutting the trail and stated his concerns regarding privacy for those homes abutting the trail and the need for trees or arborvitae, standing water on the trail and the need for maintenance, lighting in the dark areas, poison ivy locations on City property, downed trees on the trail, and drainage concerns. He requested a fence or sign installation to avoid liability for those who trespass on his property.

Sarah Batterson, 14 Station Drive, stated her privacy, trespassing, people tenting, and security concerns and the impact to the properties on Station Drive. She addressed the steep hill on the trail and asked if it would be more level.

John Dorr, 98 Henry Law Avenue, stated the issue with people tenting and trespassing near his property and how helpful the police have been with his issue. He recommended the Board consider police input regarding those same issues for the trail.

Public hearing closed.

R.Lundborn displayed the plan for viewing, addressed the abutter concerns regarding the steep slope and the work to make the slope ADA accessible, and confirmed there were no considerations regarding fence installation or any clearing. He requested Board direction and addressed the cost issues. He showed areas on Fisher Street where fencing is considered due to the proximity of homes. He stated there were conversations with the police regarding lighting not to be out at all times in order to discourage trespassing and to have a sign with park hours.

C.Parker addressed the area by Station Drive that is at the state it will be in, and sign placement on the trail to avoid trespassing. He encouraged community involvement at the Community Trail Advisory Committee meetings and confirmed the members are non-appointed, and that this Committee would organize a clean-up day for the trail and address other matters as needed.

STAFF RECOMMENDATION:
The Planning Department recommends that the Board vote to approve the Conditional Use Permit with the following non-binding conditions:

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

1. The owner's signatures shall be added to the final plat submitted for signature.
2. The Licensed Land Surveyor, Professional Engineer, and Wetland Soil Scientist shall stamp and sign final plans.
3. The applicant shall provide the Planning Department with a digital version of the final plat.
4. Provide a copy of the NHDES Wetland Permit.

Discussion ensued regarding consideration of screening due to the open area at the railroad tracks and the need to get the easement first, a meeting to be held with property owner and not wanting to remove trees or vegetation as the trail approaches Central Avenue, clarification of ADA accessibility needed for the Mounted Patrol, consideration of sign posting for poison ivy and to remain on the trail, paving on the trail, privacy issues for abutting homes, lighting issues, and Board decision options with the non-binding items.

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

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

B. Consideration and acceptance of a Lot Line Adjustment for Dover Housing Authority, Assessor's Map 33, Lots 2 & 3, zoned RMU, located at 62 Whittier Street. *P17-45

C. Consideration and acceptance of a Minor Subdivision for Dover Housing Authority, Assessor's Map 33, Lot 2, zoned RMU, located at 62 Whittier Street. (3 lots) * P17-38

C.Parker provided an overview of the applications.

Allan Krans, Executive Director of the Dover Housing Authority, represented the applicant, displayed a plan for viewing, and presented the proposed plan.

A.Krans clarified the reason of the applications for the renovations and funding process for L.Skinner.

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

Public hearing opened. Nobody Spoke. Public hearing closed.

STAFF RECOMMENDATION: (P17-45)
The Planning Department recommends that the Board vote to approve the Lot Line Adjustment plat with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall revise the plans to add:
   a. owners' signatures shall be added to the final plat submitted for signature.
   b. Zoning District Boundaries
   c. Width of existing streets
   d. Reference plans
   e. A note that Basis of bearing is the City of Dover GIS system stations ______ and _______ which were used to determine location, orientation and vertical datum.
   f. the surveyor's stamp and signature to the final plat.
2. The applicant shall provide the Planning Department with a digital version of the final plat.

C.Parker confirmed these are Public Streets for F.Torr, and that the City maintains and plows the streets and the area was dedicated as an easement.

Motion: J.Burdin made a motion to approve the Lot Line Adjustment plat subject to staff recommended conditions. Seconded by F.Torr. Vote U/A

STAFF RECOMMENDATION: (P17-38)
The Planning Department recommends that the Board vote to approve the subdivision plan with the following conditions:

Waiver Request:
The Planning Department recommends that the Board approve the waivers from Sections 155-28.E,G,H,I,N,&P with the following condition:

Condition to Be Met Prior to Signing of Plans:

1. A note shall be added to the subdivision plan that the waivers were granted for the reasons stated by the applicant and that the Board found the criteria of 155-51A have been met.

Subdivision Plat:
The Planning Department recommends that the Board approve the subdivision 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. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds.
   b. Include the Licensed Land Surveyor's stamp and signature.
   c. Darken the new lot lines to be more clear
   d. Add zoning district boundaries
   e. Widths of existing streets
   f. Add reference plans

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

G.Cruikshank stated items 4.D and 4.E would be heard together.

D. Consideration and acceptance of a Site Plan for the City of Dover per RSA 674:54, Assessor's Map 22, Lots 1 & 42, zoned CWD, located at 31 River Street (Proposal is to lower a 3.7 acre portion of bluff through overburden & rock removal to prepare the site for future development). *P17-44

E. Consideration and acceptance of a Conditional Use Permit for the City of Dover per RSA 674:54, Assessor's Map 22, Lot 1, zoned CWD, located at 31 River Street (Proposal is to remove a 3.7 acre portion of a bluff area with a permanent wetland impact of 3,600 square feet.) *P17-43

C.Parker introduced S.Bird to present the projects.

S.Bird provided an overview of the proposed plan. He stated a neighborhood meeting would be held for the abutters, and the truck routes would be coordinated with the police department regarding the stone removal for the bluff. Robert Roseen, Waterstone Engineering, Tom Severino, Severino Trucking Co, Inc., and Jason Reilly, Maine Drilling and Blasting, were also present.

R.Roseen presented the proposed plan and permitting process. He displayed project team information, plans, and bluff excavation and landfill cover information for viewing.

Discussion ensued regarding the skate park location, clarification of the permitting process and confirmed material in the wetlands, the AOT site excavation permit timeframe with requirements to go back at a later date once items are confirmed, and the safety factor and treatment of the bluff for the abutters to be addressed during the full site permitting with the possibility of fencing where nothing currently exists.

T.Severino displayed a plan for viewing and presented the construction, excavation, and blasting aspects of the project and the permits needed for the project. He addressed F.Torr's comment regarding the treatment of the bluff and stated there would be a rock face at the bluff with a grass slope and a chain link fence would be installed.

Discussion ensued regarding clarification of the location start of the blasting and traffic issues pertaining to the blasting, parking relocations away from the blasting, rock and blast material transportation route, and confirmation of meeting with the police regarding transportation/overburden trucking routes.

T.Severino clarified for D.Ciotti the existing cutout location for blasting, the vertical drill use and its process.

Motion: D.White made a motion to accept the applications for items 4.D and 4.E. Seconded by D.Ciotti. Vote U/A

Public hearing opened.

Jack Mettee, 56 Rutland Street, represented the Cochecho Waterfront Development Advisory Committee and stated they took a vote to support this project and encouraged the Board to vote in favor as well.

John Dorr, 98 Henry Law Avenue, stated his concern regarding any protection the Association would have for the property if damage occurs in the blasting process. He raised drainage, privacy, and trespassing concerns and requested a chain link fence installation.

Gudrun Valentine, 183 Locust Street, stated she owns C- 24 at 98 Henry Law Avenue stated her concerns regarding renting her property during blasting and the effect to her property value due to the height of the new buildings.

Amy Polcari, 98 Henry Law Avenue, Unit 31, requested info regarding how close the blasting would be to the property line and any protection during the blasting. She stated her concerns regarding damage to her property.

Public hearing closed.

C.Parker addressed the abutter concerns regarding security issues and clarified the notice process for the pre-blast meeting. He requested J.Reilly to address the blasting process, and T.Severino to address the noise issues and outreach at the bluffs for the direct abutter concerns.

T.Severino displayed a plan for viewing, and confirmed the location of the blasting from the property line and the process to monitor the vibrations and tree removal. He stated previous projects and the eventual gain the community will have. He clarified the trucking and loading process and location for K.Schuman.

J.Reilly clarified the technical aspects regarding the blasting process and any impact to abutters and surrounding businesses, the effect the blasting would have regarding those homes on a cement slab with no basement, and addressed a notification of a survey offered for those abutters within 500 ft.

STAFF RECOMMENDATION: (P17-44)
The Planning Department recommends that the Board vote to approve the site plan with the following non-binding conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The Conditional Use permit (P17-43) is approved.
2. Provide a copy of the NHDES Alteration of Terrain Permit.

Conditions to Be Met Prior to Any Construction Activity:

3. 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.

Motion: F.Torr made a motion to approve the site plan subject to staff recommended conditions. Seconded by T.Clark.

J.Burdin thanked those involved in the Waterfront project and stated the need to keep the skate park for uniqueness to the park and the loss of this resource in its relocation to Maglaras Park.

The motion was passed with a unanimous vote.

STAFF RECOMMENDATION: (P17-43)
The Planning Department recommends that the Board vote to approve the Conditional Use Permit with the following non-binding condition:

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

1. Appropriate erosion control shall be installed and maintained during construction.

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

There were Board compliments for T.Severino regarding his exemplary work in past projects.

The motion was passed with a unanimous vote.

F. Discussion and possible posting of a Zoning Ordinance Amendment to rezone a 29.1 acre City owned parcel (Maglaras Park), Assessor's Map 22, Lot 42, located off Henry Law Avenue & Towne Drive from R-12 to CWD.

C.Parker stated the consideration for the zoning regarding the waterfront project and the need for future consideration for activities on the waterfront. A map was displayed for viewing. He stated the recommendation to rezone to CWD to allow for parking, development density as along the bluff, and to allow future activities/ uses. He requested approval for posting to allow for a public hearing to determine rezone possibility.

Discussion ensued regarding consideration to delay the motion to allow public to vacation and to evaluate later with other rezoning projects, the timing to address the existing abutters and abutter feedback received, consideration for multiple public hearings, the analysis and other pertinent documents still needed, and clarification that the notice for this project would not be costly due to the low amount of abutters with this project.

D.Ciotti recommended the Board post the amendment now and then delay for 2-3 months to have more public hearings. K.Schuman agreed to post the amendment.

Motion: D.White made a motion to post the amendment. Seconded by D.Ciotti. Vote U/A

G. STAFF COMMENTS

C.Parker stated the City received $4,000 more this year than last year for the Community Block Action Grant and that D.Carpenter would be working with the Finance Department to determine the distribution and prepare for the next meeting.

C.Parker announced the resignation of Tracy Smith. The Board members wished her well.

H. MEMBER COMMENTS

T.Clark requested software for the cursor to be highlighted during presentations. C.Parker stated user training would be provided for the engineers.

C.Parker confirmed for L.Skinner the Meeting Minutes template is provided by the City Clerk and determines the formatting to include the absent members listed.

L.Skinner suggested an addition be considered to the Planning Bylaws to state any items to be reviewed after 10:30 p.m. must have a 2/3 Board approval. He stated this procedure was implemented at the Durham Planning Board.

C.Parker provided an update regarding the progress with the Master Plan Chapter and H.Harmon's involvement.

I. **ADJOURNMENT**

Motion: G.Cruikshank made a motion to adjourn at 9:20 p.m. Seconded by D.White. Vote U/A