



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: McConnell Center Room 306, 61 Locust St. Dover, NH 03820
Meeting Date: **Tuesday, July 25, 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, Catherine Plante, James Burdin (Alternate), Tristan Donovan (Alternate), Hayley Harmon (Alternate)

Staff Present: Donna Benton (Assistant City Planner), David Carpenter (Community Development Planner), Jean Glidden (Recording Secretary)

K.Schuman described the process used to hear cases and the opportunities for the public to communicate.

1. CITIZENS' FORUM

Citizens Forum Open. Nobody spoke. Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- June 27, 2017 Regular Meeting Minutes

Motion: F.Torr made a motion to approve the June 27, 2017 Regular Meeting Minutes. Seconded by D.Ciotti.
Vote U/A

K.Schuman announced that item 4.D will not be heard.

3. OLD BUSINESS

- A. Public Hearing and Discussion 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.

D.Benton stated that at the June 27th meeting the Board posted the amendment. This is the first public hearing with the intent of having one to two more public hearings. This rezoning will help with the future Waterfront Development that is being planned. If additional lots are requested, staff recommends waiting for at least one more public hearing. The proposal tonight is what should be addressed.

Public Hearing Opened

Kevin McEneaney, 8 Gold Post Road, submitted a tax map which showed several lots that he owns abutting the property and asked if they could include them with the rezoning. He stated that an older subdivision created the ten lots. He asked the six lots he owns could be included with the rezoning.

Chris Prior, 150 Henry Law Avenue, stated that he is in support of the request. He owns the adjacent lot and has approximately 900 feet that abuts Maglaras Park. He stated that the park is underutilized in the R-12 district and prohibits some of the activities that he has heard mentioned as a use in CWD.

Paul Willis, founder and President of the Seacoast United Sports Club, is in support of the request and here on behalf of the club. He believes the club has made a big difference for providing opportunity for the kids. It provides a safe place and keeps them busy and off the street.

Public Hearing Closed

D.Benton stated that staff recommends to table and have another public hearing at the August 22nd meeting.

D.Ciotti recommended tabling the public hearing. K.Schuman amended the closure of the public hearing to be a tabling.



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Public Hearing Tabled

L.Skinner expressed concern regarding adding the additional lots and wanted to make sure this is advertised properly and carefully.

K.Schuman stated that any resident or property owner can petition for a rezoning.

D.Benton reiterated to table this to the August meeting for this one lot. If other lots are considered it would be reposted and would have another public hearing.

F.Torr agreed and stated that they should give opportunities for the additional properties and contact the property owners for the rezoning.

Discussion ensued regarding concerns including the additional lots and making sure that the abutters have been properly notified with the permitted uses allowed in the CWD district.

D.Benton announced that at the next meeting, a full zoning analysis will be provided.

F.Torr asked if they could ask Chairman Jack Mettee of CWDAC to attend the meeting. D.Benton stated that they did vote to endorse, but will reach out to him.

Motion: F.Torr made the motion to table the rezoning to the August 22nd meeting. T.Clark seconded. Vote U/A

G.Cruikshank announced that items 4.A, B & C would be heard would be heard together and voted on separately.

4. NEW BUSINESS

- A. Consideration and acceptance of a Lot Line Adjustment for Scott Coughlin, Assessor's Map I, Lots 94C, 94B & 93A, zoned R-40, located at 17 & 19 Piscataqua Road and Hidden Valley Drive. *P17-40
- B. Consideration and acceptance of a Minor Subdivision for Scott Coughlin, Assessor's Map I, Lot 93A, zoned R-40, located at 17 Piscataqua Road. *P17-41 (1 new lot)
- C. Consideration and acceptance of a Minor Subdivision for Scott Coughlin., Assessor's Map I, Lot 94B, zoned R-40, located at 19 Piscataqua Road. *P17-42 (2 new lots)

D.Benton stated that since this requests were minor lot line adjustment and minor subdivision that they did not go before the Technical Review Committee (TRC). Staff has revised a couple of the conditions that were listed and they have been removed. She added that emails have been addressed and one to be addressed for the record during the public hearing.

Corey Colwell and Brenda Kolbow with MSC Engineers represented the applicant. Scott Coughlin and Attorney Schulte were present. The applicant proposes to adjust the lot lines twice between 3 lots. The next two agenda items are to subdivide the new lots into 5 additional lots through two minor subdivisions. One would convey Hidden Valley Drive to the applicant who owns the rest of Hidden Valley Drive. The proposal will relocate the common driveway for one driveway on the lot and then have driveways for each of the lots proposed for a total of five driveways.

D.Ciotti confirmed that the applicant owns two separate lots and the road, which is in his ownership.

C.Colwell stated that the lots would not become part of the HOA. There was an error in the tax map when it was prepared. The plan submitted will help to explain the different ownerships.



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Discussion continued regarding the lots and concern with the additional driveways. The buffer requirements were discussed and they are not a requirement for a minor subdivision.

D.Benton added that the conditions of approval show that staff is asking for an access easement, so there would be shared driveways instead of having five total driveways, with no additional driveways on Hidden Valley Drive. Staff is asking to show the abutter well and septic.

Motion: L.Skinner made a motion to accept the applications for item 4.A, B & C. Seconded by C.Plante. Vote U/A

Brian and Robin Therrien reside at 26 Piscataqua Road. Brian stated that they moved here for the rural type of setting. They hope to maintain that feel with this new subdivision plan. They are concerned with clearing and hope to maintain as much of the trees and vegetation. He asked if there would be five new houses with this subdivision and would the houses shown be demolished.

Public Hearing Closed

D.Benton explained the buffer requirements for the minor subdivision versus a major subdivision. They do not have the same requirements they could technically clear all of the land. The Board could make a condition.

C.Colwell stated that the plan will be a 30 foot yard setback. The existing homes will remain.

D.Benton summarized the email sent from Mrs. Allison Davis, 11 Hidden Valley Drive, regarding her list of concerns, including construction time, noise and impact of blasting with an underground well.

D.Benton stated that construction hours do not apply for a minor subdivision as there would not be site construction.

K.Schuman reminded the Board that this could also be brought up when considering the subdivision application.

Waiver Request:

The Planning Department recommends that the Board approve the waiver from Sections 155-18) with the following condition:

Condition to Be Met Prior to Signing of Plans:

1. A note shall be added to the lot line adjustment plat that the waiver was granted for the reasons stated by the applicant and that the Board found the criteria of 155-51A have been met.

Motion: L.Skinner made a motion to approve the waiver request subject to staff recommended condition. Seconded by D.Landry. Vote U/A

STAFF RECOMMENDATION: (P17-40)

The Planning Department recommends that the 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. Separate Hidden Valley conveyance lot line adjustment plat to be a separate sheet which will be File # P17-50
 - b. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
 - c. Include the Licensed Land Surveyor's stamp and signature



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- d. Remove Dover approval stamp
- e. Show well radii and leach field locations
- f. Add common subdivision notes: 10, 12, 15, 16, 17, 22, 25, & 26

Motion: L.Skinner made a motion to approve the lot line adjustment subject to staff recommended conditions. Seconded by C.Plante. Vote U/A

STAFF RECOMMENDATION: (P17-41)

The Planning Department recommends that the Board approve the minor subdivision plat with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The lot line adjustments (P17-40) shall be approved.
2. The applicant shall provide the Planning Department with a digital version of the final plat.
3. 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. Indicate one shared driveway between lots 1 and 2 with a shared access easement recorded at the registry of deeds
 - c. Include the Licensed Land Surveyor's stamp and signature.
 - d. Provide neighborhood plan with aerial underlay
 - e. Indicate proposed electric, telephone, gas, cable, water, septic systems to the Assistant City Manager's satisfaction.
 - f. Add note that the final lot numbers will be assigned by the Assessing Department
 - g. Remove the Dover approval stamp area
 - h. Show full well radii and abutter wells
 - i. Add common subdivision notes: 10, 12, 15, 16, 17, 22, 25, & 26
 - j. Add the NHDES Subdivision permit number.
 - k. Provide a 15' no-cut, no-disturb buffer along the northern and rear subdivision lines (along Lots I/93 and I/94).

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

1. Any new dwelling unit shall be assessed the current impact fees in place at the time of building permit application and paid before Certificate of Occupancy.

D.Landry concerned with the condition regarding shared driveways and discussed safety concern and sight distance. He added that the plan is not clear and it does not show the driveways.

Discussion ensued regarding the driveways, regulations and the need for the TRC to view this type of a plan with the need for the driveways.

C.Colwell stated that each lot has at least 150 feet of frontage and the driveways are typically 12 feet wide. The driveways will be separated with approximately 120 feet. The applicant has not measured each site, but did make sure that the sight distance is adequate for each driveway.

K.Schuman stated that his position is that he is supportive of staff recommendations. He asked D.Benton if staff discussed a no-cut, no-disturb along the rear setback within 30 feet. D.Benton stated that the regulations for this subdivision do not require it.



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Attorney Schulte approached the podium and stated that the applicant agrees with the shared driveways. Two of the driveways are existing and not an issue. The central lot would have a new driveway all to itself and will be well spaced. Two existing houses will be left as they are, will have three new lots, and is hard to have a no-cut, no-disturb when creating driveways and utilities. S.Coughlin agreed to a 15 foot, no-cut, no disturb buffer.

D.Benton read the additional condition to provide a 15' no-cut, no-disturb buffer along the westerly subdivision line.

Discussion took place regarding buffers.

Motion: D.Landry made a motion to approve the minor subdivision plat subject to staff recommended conditions. Seconded by T.Clark. Vote U/A

STAFF RECOMMENDATION: (P17-42)

The Planning Department recommends that the Board accept the application, open the public hearing, and vote to approve the minor subdivision plat with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The lot line adjustments (P17-40 and P17-50) shall be approved
2. The applicant shall provide the Planning Department with a digital version of the final plat.
3. 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. Indicate one shared driveway between lots 4 & 5 with a shared access easement recorded at the registry of deeds
 - c. Include the Licensed Land Surveyor's stamp and signature.
 - d. Show proposed electric, telephone, gas, cable, water, septic systems to the satisfaction of the Assistant City Manager
 - e. Provide neighborhood plan with aerial underlay
 - f. Add note that Assessing Department assigns lot numbers
 - g. Remove Dover approval stamp
 - h. Show full well radii and abutters wells
 - i. Add common subdivision notes: 10, 12, 15, 16, 17, 22, 25, & 26
 - j. Add the NHDES Subdivision Permit number
 - k. Provide a 15' no-cut, no-disturb buffer along the westerly subdivision line (along lot I/94E).

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

1. Any new dwelling unit shall be assessed the current impact fees in place at the time of building permit application and paid at the time of Certificate of Occupancy.

Motion: L.Skinner made a motion to approve the minor subdivision plat subject to staff recommended conditions. Seconded by D.Landry. Vote U/A

5. STAFF COMMENT

A. CBDG Update

Dave Carpenter, Community Development Planner, gave an update on CDBG funds. He stated that there was an increase in the grant funding from HUD, but a decrease in the total program income that will be used for FY18.

6. MEMBER COMMENTS



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A. Lot Mergers

The Chair presented three lot merger forms to the Board for the following applicants.

1. Edward & Martha E. Heaphy Revocable Living Trust, 9 Heaphy Lane, Map 8, Lot 21 & 21B.

Motion: T.Clark made a motion to authorize the Chair to sign the document. D.Ciotti Seconded. Vote U/A

2. Edward & Martha E. Revocable Living Trust, 9 Heaphy Lane, Map 8, Lot 21 & 21A.

Motion: D.White made a motion to authorize the Chair to sign the document. D.Ciotti Seconded. Vote U/A

3. Heidi & Jeffrey Morrison, 85 Old Rochester Road, Map A, Lot 8 & 8D.

Motion: D.Ciotti made a motion to authorize the Chair to sign the document. D.Ciotti Seconded. Vote U/A

F.Torr asked about potholes and patching of streets. He stated that Chandler Way has been patched and a bump is present. The City needs some kind of mechanism that when a subdivision occurs, we can enforce that no bumps will occur. Lack of compassion and putting the pavement down properly makes for a bump. We need something in the regulations.

D.Ciotti agreed and expressed the problems they had with Watson Road. If they reconstruct or renovate a road, no utility public or private can tear that road up for a certain amount of time. There was an RSA passed along in June so that a resolution will come forth possibly in August. He will check with the City Manager and the Community Services Director.

D.White said he will check on Chandler Way and it is difficult to get some contractors to comply. They do have a mechanism to do that. If you have a concern on trenches, the City has a year warranty and will be asking to change that to two years.

L.Skinner mentioned that the item that was withdrawn needs to be addressed.

D.Landry agreed and stated that some of the items are quite old and have significant issues. The message is not strong when you do not have a public hearing. He asked staff if all items that were listed have been addressed.

D.Benton stated that the Community Services Department worked with them for a long time before this was scheduled to be heard. Staff scheduled a public hearing, the Developer made new promises and deadlines. Some of the items have been addressed.

D.White updated the Board.

G.Cruikshank felt that it should have been heard and K.Schuman stated that his intent is to connect with Mr. Parker. He stated that the Planning Board has very little punitive power and going forward it should be left as a discussion.

Discussion continued.

7. ADJOURNMENT

Motion: G.Cruikshank made a motion to adjourn at 8:46 pm. Seconded by F.Torr. Vote U/A