



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers 288 Central Avenue Dover, NH 03820
Meeting Date: **Tuesday, November 14 2017**
Meeting Time: **7:00 pm**

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

Members Not Present: Gina Cruikshank (Vice Chair), Hayley Harmon (Alternate)

Staff Present: Christopher Parker (Assistant City Manager)

The Chair called the meeting to order at 7:00 p.m. He announced that item 4A will be continued until December 12, 2017. J. Burdin sat for the vacant spot, and T.Donovan for G.Cruikshank.

1. CITIZENS' FORUM

Citizens Forum Open. Nobody spoke. Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- October 18, 2017 Joint Planning Board and City Council Meeting Minutes and October 24, 2017 Regular Meeting Minutes.

Motion: F. Torr made a motion to approve the October 24, 2017 Regular Meeting Minutes and October 18, 2017 Joint Planning Board and City Council Meeting Minutes. Seconded by D. Ciotti. Vote UA

3. OLD BUSINESS

- A. Public hearing, discussion and possible vote on the City's proposed Capital Improvements (CIP) FY 2019-2024. The CIP can be found on the City Web Site at www.dover.nh.gov and in the Library, City Clerk's office, and the Planning Department.

C. Parker stated that the Board should hold its public hearing and then there is an opportunity to have general discussion about the CIP. After that the Board can pass along its recommendation to the City Council.

Motion: D. Ciotti made a motion to remove the CIP from the table. Seconded by F. Torr. Vote UA

Public Hearing Opened. Nobody spoke. Public Hearing Closed.

L. Skinner inquired regarding the Street Utility Extension of Washington Street from River Street to Town Drive (pg. 115), in terms of how many people are going to be driving up Henry Law Avenue. C. Parker responded that the attractive alternative entrance is the Washington Street entrance, which would thereby remove traffic off of Henry Law Avenue.

D. Landry brought up the issue of permanent protection of open space at the city. He indicated that there's an opportunity here to make a recommendation that the City Council add funds either to a Capital Reserve, which may be redundant; or a line item, for utilization of permanent protection of open spaces. He went on to describe the history of permanent protection of open spaces funds, and the challenges that the City has faced; as well as what steps could be taken going forward.

L. Skinner suggested defining a percentage goal for protecting land in Dover. He pointed out the challenges of conserving land.



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C. Parker responded to D. Landry's comment regarding private donations that every water sewer bill contains a green donation envelope, which has the option for land preservation. He suggested that the Board send a request to the Conservation Commission and the Open Lands Committee to brainstorm on what they feel the permanent protection of open space funds should be, in terms of dollar amount, as well as conservation goal. Further discussion was had regarding what avenues would be best taken to achieve the desired goals of conservation.

An inquiry was raised regarding who sponsors line items in the CIP. C. Parker responded that, if there was a project, he would be the project sponsor on the Project Sheets. He went on to describe the process as to how the funds would be allocated. He also indicated that the Planning Department would be responsible for adding line items in the CIP.

Motion: T. Clark made a motion to recommend the City Council approve the Capital Improvements Program as presented. Seconded by L. Skinner. Vote UA

4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for Adam Fogg and Patricia Nagle, Assessor's Map L, Lot 13, zoned R-20, located at 25 Nute Road. (Proposal is to add five sets of exterior stairs and a walkway to an existing house within the Conservation District adjacent to the tidal Bellamy River. The total permanent impact is 410 square feet). *(P17-72)

C. Parker stated that this item had a few remaining areas to resolve and should be continued until December 12, 2017.

- B. Consideration and acceptance of a Conditional Use Permit for Jeffery & Sharon Warschauer, Assessor's Map 8, Lot 32, zoned R-20, located at 3 Wentworth Terrace. (Proposal is to demolish an existing house and build a new house within the Conservation District adjacent to the tidal Piscataqua River, and construct a new dock. Total disturbance in Conservation District is 6,730 sq. ft.). *(P17-57)

C. Parker stated that the applicant is seeking a Conditional Use Permit to demolish an existing home and construct a home within the Conservation District as well as install a new dock within the Conservation District and Wetland Protection District. Total disturbance in the Conservation District is 6,730 sq. ft.

The applicant received a variance from the Zoning Board on October 19, 2017 to allow a front setback of 48.77' where a build-to-line of 20' minimum and 35' maximum is required. The Conservation Commission reviewed this plan on August 14th and endorsed this project on September 11, 2017.

Barry Gier represented the application. He described the proposal for Conditional Use Permit. He noted that they have received their Shoreland Permit from NHDES on September 26, 2017; their Wetland Permit from DES on October 25, 2017; and their variance from the ZBA to construct further from the front setback or from the build-to line than is required.

Motion: F. Torr made a motion to accept the application for item 4.A. Seconded by L. Skinner. Vote UA

Public Hearing Opened. Nobody spoke. Public Hearing Closed.

STAFF RECOMMENDATION:

C. Parker stated that the application meets the requirements of the Wetlands ordinance within chapter 170, regarding the need to impact Wetlands and Buffers if standards related to the demonstration of need, avoidance and mitigation are met. The Planning Department recommends that the Board vote to approve the application with the following Conditions:



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

1. The applicant shall revise the impact plan to:
 - a. Add Planning File Number P17-57
 - b. Have the LLS sign and stamp
 - c. Remove the Dover approval area
 - d. Add variance information
 - e. Update permit status with dates
 - f. Change any reference to Town of Dover to City of Dover
2. The applicant shall provide a copy of the NHDES Wetlands Permit

D. Ciotti expressed his concern to the greenhouse in the Conservation District, in terms of possible chemicals and plants that could be utilized. B. Gier responded that the Applicant sells greenhouses, and therefore would like to construct one on their property. He went on further to indicate that they meet the setback requirements for a supplemental building.

Jeffery Warschauer replied that they have an automated NFT, closed-loop system, which prevents fertilizer from getting to the ground, and that anything lost is through evaporation. Sharon Warschauer indicated that her focus is raising organic vegetables.

The Board inquired as to the construction of the greenhouse. J. Warschauer responded that it would be on a stone and weed barrier, in order to get some of the heat and moisture out of the ground, and it would meet all the Local Codes.

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

The Chair commented that this is a really good example of redevelopment, having a lesser environmental impact than the existing use.

- C. Consideration and acceptance of a Minor Lot Line Adjustment for Daniel & Lauren Fontaine & City of Dover, Assessor's Map C, Lots 28, & 28A, zoned R-40, located at 544 Tolend Road. *(P17-68)
- D. Consideration and acceptance of a Minor Subdivision for Daniel & Lauren Fontaine, Assessor's Map C, Lot 28, zoned R-40, located at 544 Tolend Road. (1 new lot). *(P17-69)

The Chair announced items 4 C and D would be heard together.

C. Parker stated that this is a lot line adjustment moving 1,185 square feet from a lot the City owns to one the Fontaine's own. This will place monitoring wells for the City's Tolend Landfill site upon City owned property. It is an even swap of land. The City Council approved the land swap at its November 8th meeting.

The Fontaine's then wish to subdivide their property to create one new lot. The existing Fontaine lot has enough lot size and frontage to accomplish this.

Christopher Berry represented the application. He described the lot line adjustment and subdivision.

Motion: F. Torr made a motion to accept the application for item 4.c and 4.D. Seconded by T. Clark. Vote UA

Public Hearing Opened. Nobody spoke. Public Hearing Closed.



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STAFF RECOMMENDATION – Lot Line Adjustment:

C. Parker stated that the application meets the requirements of a minor lot line adjustment within chapter 155. The Planning Department recommends that the Board vote to approve the application 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 Licensed Land Surveyor and Certified Wetland Scientist signatures and stamps
 - b. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
 - c. Add note about previous variance granted
 - d. Add common subdivision note 14
 - e. Add a 25' access easement over 28A in favor of 28
3. Provide easement document to the Planning Department and record at the registry of deeds.

D. White requested further explanation on 2(e). He noted that, in looking at Sheet 2 of 2 of the subdivision, Item C, where it shows the driveway entering the parking area not on 28, it doesn't show a need of the easement. C. Berry responded that although they have the appropriate amount of frontage of the lot, they are trying to get the driveway further pushed away so they can drive into the side of the parcel, and thereby leaving the other area open for development further from the residence.

C. Parker clarified that, on the Lot Line Adjustment Plan, the starting pin stays the same on the frontage, and indicated where the easement would be placed over. He noted that the easement would be used for accessing utility.

Motion: T. Clark made a motion to approve the Lot Line Adjustment subject to staff recommended conditions. Seconded by F. Torr. Vote UA

STAFF RECOMMENDATION - Subdivision:

C. Parker stated that the application meets the requirements of a minor subdivision within chapter 155. The Planning Department recommends that the Board vote to approve the application with the following Conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The Lot Line Adjustment plan (P17-68) be approved.
2. The applicant shall provide the Planning Department with a digital version of the final plat.
3. Provide copy of NHDES Subdivision approval.
4. The applicant shall revise the plat to:
 - a. Include the Licensed Land Surveyor and Certified Wetland Scientist signatures and stamps
 - b. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
 - c. Add note about previous variances granted
 - d. Add abutter owner information for lots across the street
 - e. Add common subdivision notes 13, 14, & 25

Conditions to Be Met Prior to issuance of a Building Permit:

5. Easements to be recorded and recording numbers supplied to the Planning Department.

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

6. Any new dwelling unit shall be assessed the current impact fees in place at the time of building permit application.
7. Any new dwelling unit shall be assessed the current water investment fees at time of water tie in service.



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D. Ciotti inquired regarding 2(c), and whether it is referring to the ZBA variance from 2012. C. Parker responded that that is what that is referring to.

D. White asked a question regarding the new lot line that subdivides the two lots, and why it was subdivided the way it is, orphaning the driveway and then doing an easement to incorporate it. C. Berry answered that they originally were working off of a 1980s survey, which set monumentation along Tolend Road, which they now know is 4 rods wide through that area, therefore allotting them less land than they anticipated. He concluded that that caused them to shove the lines over to make up for the difference in land area in order to meet the minimum land areas.

Motion: T. Clark made a motion to approve the minor subdivision subject to staff recommended conditions. Seconded by L. Skinner. Vote UA

- E. Consideration and acceptance of a Minor Lot Line Adjustment for William & Charleen Creighton & Colleen Dean, Assessor's Map 21, Lots 26-C & 26-1, zoned R-12, located at 3 & 5 Mount Pleasant Street.*(P17-75)

C. Parker stated that this is a minor lot line adjustment between 2 lots. Lot 26-1 will go from 4.064 acres to 3.776 acres. Lot 26-C will go from 2.019 acres to 2.315 acres. Currently, the lot line has a garage crossing over it. This will correct that situation. These lots are on a private road.

Seth Creighton represented the application and described the layout.

Motion: F. Torr made a motion to accept the application for item 4.E. Seconded by T. Clark. Vote UA

Public Hearing Opened. Nobody spoke. Public Hearing Closed.

STAFF RECOMMENDATION:

C. Parker stated that the application meets the requirements of a minor lot line adjustment within chapter 155. The Planning Department recommends that the Board vote to approve the application 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 Licensed Land Surveyor signature and stamp
 - b. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
 - c. Revise Planning file number to be P17-75 on all sheets
 - d. Add common subdivision note 14 about tying into Dover GIS

Motion: D. Landry made a motion to approve the Lot Line Adjustment subject to staff recommended conditions. Seconded by D. Ciotti. Vote UA

- F. Consideration and acceptance of a Minor Lot Line Adjustment for David Vincent, (Owner: David Lemieux), Assessor's Map L, Lots 14N & 14A, zoned R-20, located at 53 & 55 Spur Road. *(P17-76)

C. Parker stated that this is a minor lot line adjustment between 2 lots. Lot 14-A will go from 0.55 acres to 1.39 acres. Lot 14-N will go from 1.35 acres to 0.46 acres. Both lots are within 250 feet of the Bellamy River. As this is a tidal river, the Riverfront Residential Overlay District applies, requiring all newly created lots to be 3 times the minimum lot size. Currently, neither lot is conforming. The action will result in one lot being conforming and the second lot remaining non-conforming. The conforming lot will be along the river.



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David Vincent, Land Surveyor, represented the application and described the layout. He noted that David Lemieux was present, should the Board have any questions.

Motion: D. Ciotti made a motion to accept the application for item 4.E. Seconded by D. Landry. Vote UA

Public Hearing Opened. Nobody spoke. Public Hearing Closed.

STAFF RECOMMENDATION:

C. Parker stated that the application meets the requirements of a minor lot line adjustment within chapter 155. The Planning Department recommends that the Board vote to approve the application 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 Licensed Land Surveyor signature and stamp
 - b. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
 - c. Revise Planning file number to be P17-76 on all sheets
 - d. Add common subdivision notes 12, 13, & 14
 - e. Correct Lot 14L to be shown as 14N
 - f. Add the Riverfront Residential Overlay District dimensional standards

Motion: D. Landry made a motion to approve the Lot Line Adjustment subject to staff recommended conditions. Seconded by J. Burdin. Vote UA

5. STAFF COMMENT

C. Parker:

- Requests Mr. Bird to prepare a presentation for the December and/or second January meeting regarding the Open Lands Committee and Conservation Commission do in their activities, and the status of the updated numbers mentioned by L. Skinner.
- TRC has reviewed projects at 52 Old Rochester Road and 526 Central Avenue, of which the latter will probably not come to the Planning Board.
- Impact Fees have been reviewed and the Consultant will attend the December meeting to go over any changes with the Board.
- 3rd Street fence went up months ago, in which approved plans had gas lines in a certain location. The gas company elected to move the gas line on 3rd Street closer to the building, which failed to meet the requirements for separation between the building, the electric lines, and the gas lines. Further discussion is being had to remedy the situation.
- USA Baseball has not made any comments, or submitted any applications, since the rezoning.
- Woof meow at Central Avenue by Merry Street had some slowdown due to the waterline tie in with Hannaford's. The anticipated waterline reconnection date is November 15, 2017.
- Glenwood Avenue work has started, with clearing out of the site. There are some drainage concerns they're trying to resolve.
- Lot merger form for property on Arch Street
 - The Chair signed the merger form with no objection.
- Lot merger form for property on McKone Lane
 - The Chair signed the merger form with no objection.



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6. MEMBER COMMENTS

L. Skinner inquired at whose behest 4A was withdrawn tonight. C. Parker responded that it was continued because staff is still trying to work on the irregularity with the property owner.

F. Torr said Happy Thanksgiving to everyone.

7. ADJOURNMENT

Motion: A board member made a motion to adjourn at 8:02 pm. Seconded by D. Landry. Vote UA.