



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers 288 Central Avenue Dover, NH 03820
Meeting Date: **Tuesday, December 12 2017**
Meeting Time: **7:00 pm**

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

Members Not Present: Dave White

Staff Present: Christopher Parker (Assistant City Manager), Steve Bird (City Planner)

The Chair called the meeting to order at 7:00 p.m. He announced that they will be hearing Item 4-F first. H. Harmon sat for D. White, interested in the vacant spot.

1. CITIZENS' FORUM

Citizens Forum Open. Nobody spoke. Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- November 14, 2017 Regular Meeting Minutes.

Motion: F. Torr made a motion to approve the November 14, 2017 Regular Meeting Minutes, as amended. Seconded by D. Ciotti. Vote UA

L. Skinner indicated that on page 1 of 7 that the wording regarding the percentage goal should be changed from "suggested" to "discussed".

3. OLD BUSINESS

4. NEW BUSINESS

A. Presentation and discussion on Dover's Impact Fee Study by BCM Planning LLC

S.Bird reviewed the history of impact fees in Dover, and introduced Bruce Mayberry.

Bruce Mayberry reviewed the findings of his study. He pointed out the following key components of the Impact Study:

1. Updated all the school enrollment ratios for the City (how many pupils per housing unit).
2. Updated call demand ratio for Police and Fire Services.
3. Updated capital values to 2017 values.
4. Recalculated fee credit allowances.
5. Updated demographics projections of residential and commercial development.

B. Mayberry made the following suggestions:

1. Creating a process by which you would assess fees for changes in use or redevelopment activity.
2. Consider doing reduced school fees for small apartments, on a square-foot basis.



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Meeting Date: **Tuesday, December 12 2017**
Meeting Time: **7:00 pm**

Board Questions:

- L. Skinner directed B. Mayberry to page 14, the table that shows changing components of Dover School Impact Fee calculations in 2007 v. 2017. He inquired as to whether there is a table in the documentation that shows change impact fees for Police, Fire, and Park, like it does schools. B. Mayberry responded that there isn't one currently, but that could be included, although it wouldn't be as straightforward as the school table. C. Parker added that before-and-after comparisons, as well as an Implementation Plan, would be provided to the Board to consider, in making their final decisions on fees.
- D. Landry inquired if the analysis that was performed for the City of Dover is the same analysis that is performed on all other City or Towns. B. Mayberry responded that the most frequent comparison done is of the schools, as that is the largest money outlay for capital improvements that Towns experience, Public Safety, and Recreation.

C. Parker laid out the next steps, which are:

- At the 2nd meeting in January, Staff will bring forward the information that has been requested by the Board, as well as any other information that B. Mayberry feels need be conveyed and an Implementation Plan suggestion on how to adopt changes to fees but also amendments to the Ordinance.
- B. Consideration and acceptance of a Conditional Use Permit for 104 Wash Street, LLC c/o Cathartes, (Owner: 104 Wash Street, LLC and City of Dover) Assessor's Map 2, Lots 2, 3, 4, 5, 6, 6A, 7, 8, 8A & 9, zoned CBD-G, located at 104 Washington Street. (Proposal is to allow a 60% lot coverage where 75% is required, 65% frontage build out where 70% is required and to allow part of the ground floor for residential amenities use). *(P17-65)
- C. Consideration and acceptance of a Site Review for 104 Wash Street, LLC c/o Cathartes, (Owner: 104 Wash Street, LLC and City of Dover), Assessor's Map 2, Lots 2, 3, 4, 5, 6, 6A, 7, 8, 8A & 9, zoned CBD-G, located at 104 Washington Street. (Proposal is for a 5-story, mixed-use development with commercial on the first floor and 130 residential units on the second through fifth floors, providing 98 on-site parking spaces. The project also includes off-site roadway improvements). *(P17-66)

The Vice Chair announced items 4-B and C would be heard together. T. Donovan indicated that he would be recusing himself for Items 4B and C. J. Burdin sat for T. Donovan.

C. Parker stated that the applicant is seeking to build a 5 story, mixed-use development with commercial on the first floor and 130 residential units on the second through fifth floors. Part of the ground floor space will be for residential amenities. They are proposing 167 parking spaces, 98 on site, and some off-site roadway improvements to Chestnut Street, Washington Street and Locust Street.

A public/private agreement has been approved by the City Council for the offsite improvements and accepting the donations in lieu of impact fees. The Police Department, Fire Department, and Recreation Department are all in favor of the infrastructure that is being contributed in lieu of the payment of the fees. He noted that just because the City Council approved this agreement, it does not obligate the Board to approving it, as well.

The site is to be serviced by municipal water and sewer. They are also requesting three different Conditional Use Permits. The first request is to allow a 60% minimum lot coverage where as 75% is allowed. The second is requesting 65% frontage build out where 70% is the minimum. Lastly, they are requesting that part of the ground floor footprint



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be used for residential amenities where the CBD-G zoning table states that only non-residential uses shall be on the ground floor level. In the application materials, the applicant provided a table of these three requests with their reasoning. If this property were in any other zone, a variance would be required, however the CBD reliefs are provided by the Planning Board, rather than the Zoning Board.

The Parking Commission, on September 9, 2017, has agreed to a long-term lease for parking within the parking garage, which is going to the City Council tomorrow night for ratification.

The applicant will be improving a portion of the right of way for St Thomas Street, by creating a park. This park will be owned by the City and available to the public, while maintained by the applicant.

The applicant came before the Technical Review Committee on October 12. The Parking Commission endorsed the request by the applicant for a long term lease in the garage on September 19, 2017. The City Council is reviewing it Wednesday.

Jeff Johnston, Rob Simmons, both from Cathartes, and Rob Delsavio, architect from Embarc, Patrick Crimmons, Tigh and Bond, appeared, representing the application. J. Johnston reviewed the technical details with the Board.

C. Parker pointed out the Chestnut Street retail space on the map, and noted that, on the that are currently blank, that the Applicant is in discussions with the Arts Commission about doing artwork on those, in order to enliven that space. He also indicated that, on Washington Street, there will be both wider sidewalks, as well as a restored parking lane. He noted that they will be field-locating the benches in that area to ensure that they are put in a logical and user-friendly location.

Board Questions:

- D. Ciotti inquired whether the park on the end will be donated to the City. C. Parker responded that it is in the right-of-way currently owned by the City, and that they are seeking to improve public land for public benefit.
- D. Ciotti inquired whether the placement of the flagpole at the end of the building could be reconsidered, as it is so close to Veteran's Park. J. Johnston responded that they will reevaluate its placement.
- J. Burdin inquired whether an Environmental Assessment done on the Robbins Building for previous contamination. J. Johnston responded that there was a Phase I and interior completed.
- F. Torr inquired whether Locust Street parking should be commercial. C. Parker responded that one of the parts of the CUP would be that they would not be providing commercial in that area but the parking. Discussion was had regarding previous Board decisions and whether or not that set a precedent for allowing this parking.
- L. Skinner inquired whether the Variances for Signs that were issued previously for this location would go away, should the current structure be demolished. C. Parker responded they would not stay in effect, although they already are null and void, as the Zoning Ordinance was amended in 2010.
- D. Ciotti requested additional clarification regarding the residential amenities. C. Parker noted that it consists of: parking; gym; hallway; and mailbox.
- D. Ciotti requested clarification, under Waivers Requested, regarding waiving the fees for Rec., Police, and Fire, if they could get a detail whenever that is brought up at the Planning Board level, so they know what they're giving up in lieu of the fees. C. Parker pointed out that the detail is specified in the Development Agreement, where the majority of it is going towards the improvements at Chestnut and Washington; up to



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\$50,000 would be used in Veteran's Park; and remainder would be on the new public park that they are creating.

- D. Ciotti inquired regarding the composition of the Locust Street metal thicket screening in front of the parking. J. Johnston and C. Parker described the plans for the fence.
- T. Clark inquired if the left side of the structure that is within the parking lot that you can't see is just going to be an open parking structure. C. Parker responded that that is a wall.
- The Chair inquired whether the Applicant was contemplating both left-and-right entrance-and-exit into the parking. P. Crimmins indicated that it will be a left-and-right into, right out only.

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

Public Hearing Opened. Nobody spoke. Public Hearing Closed.

C.Parker noted that Ellen Bates, 85 Washington Street, communicated support for the project to staff.

STAFF RECOMMENDATION – Conditional Use Permit:

The Planning Department believes the criteria in 170-20B(3) have been met and recommends that the Planning Board vote to approve the Conditional Use Permits with the following conditions as it meets the criteria of the CUP:

1. The applicant shall be subject to a formal agreement between the Planning Board and the applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds per Chapter 170-20-B(3).

F. Torr indicated that he shares F. Torr's concern about the use on the ground floor for noncommercial, and brought up similar situations that the Board has encountered in the past. He explained the reasons for his concern. Discussion was had among the Board regarding the pros and cons to approving this CUP. C. Parker commented on the idea about precedence, and things that the Board should consider in arriving at their decision. He indicated that, in the next year, the ground floor should be further defined, as to its actual use, since the intent is to make sure there are no residential units in that area.

The Board requested further insight into the decision to deem parking more valuable than additional commercial space. J. Johnston went through the individual proposed residential areas on the ground floor and their rationale behind their development plans.

G. Cruikshank requested explanation on why the 2nd floor is going to be all residential, rather than including some commercial use, as well. J. Johnston responded that their decision was made based on market research, as well as the internal configurations of the structure.

D. Ciotti noted that the space will be taxed commercial/retail, and that the Board needs to be clear when they say no residential spaces on the ground floor that there will be no living spaces on the ground floor. He reminded the Board of a similar situation that they had faced on the St. Charles Church project.

The Chair requested clarification on "gym", and whether it would be akin to something that would be seen at a hotel. J. Johnston responded that that's what it would be like, and, further, it is hidden behind the retail frontage.

J. Burdin shared his interpretation of providing relief via a Conditional Use Permit, and whether the features of this site merit relief from the Zoning Code.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
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Meeting Date: **Tuesday, December 12 2017**
Meeting Time: **7:00 pm**

Motion: F. Torr made a motion to approve the Conditional Use Permit via 3 distinct votes. Seconded by L. Skinner. Vote UA

Motion: F. Torr made a motion to approve the Conditional Use Permit to allow 60% minimum lot coverage where 75% is allowed. Seconded by L. Skinner. Vote UA

Motion: F. Torr made a motion to approve the Conditional Use Permit to allow 65% frontage buildout where 70% is the minimum. Seconded by L. Skinner. Vote UA

Motion: J. Burdin made a motion to approve the Conditional Use Permit to allow part of the ground floor footprint to be used for residential leasing, management office, and residential amenities. (The CBD-G Zoning Table states that only non-residential uses shall be on the ground floor level.) Seconded by T. Clark.

Further discussion was held regarding the parking situation, and whether or not it could be utilized as a quasi-commercial structure.

Vote (8-1). F. Torr opposed the motion.

STAFF RECOMMENDATION – Waiver:

The Planning Department recommends that the Board approve the waiver per Section 170-23.F(1)(b) with the following condition:

Condition to Be Met Prior to Signing of Plans:

1. A note shall be added to the site plan that the impact waiver was granted for the reasons stated by the applicant and that the Board found the criteria of 170-23.F(1)(b) have been met.

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

STAFF RECOMMENDATION – Site Plan:

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

Conditions to Be Met Prior to Signing of Plans:

1. The Conditional Use Permits (P17-65) shall be approved.
2. The applicant shall provide:
 - a. a digital version of plan set
 - b. signalization plan to the satisfaction of the City Engineer
 - c. a license plan sheet to accompany the park agreement
3. The applicant must revise final plan set to:
 - a. Add the owner's signatures
 - b. Include the Professional Engineer, Licensed Land Surveyor, Architect, and Licensed Landscape Architect stamp and signatures
 - c. Move oil grease separator onto property rather than in public right of way.
 - d. Add note that should additional Fire Department Connections (FDC) be required the proposed locations shall be approved by Dover Fire & Rescue, Inspection Services.
 - e. Add note indicating how the Dover Fire & Rescue will have access to the site without exiting the fire apparatus since the parking lot access gates will be closed (lowered) at night
 - f. Add note that if walk through access is not available between the 98 space open parking to the 37 covered parking area (17,755 sq ft parking area) then additional standpipe shall be installed as approved by Dover Fire and Rescue, Inspection Services.



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DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
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Meeting Date: **Tuesday, December 12 2017**
Meeting Time: **7:00 pm**

Conditions to Be Met Prior to Any Construction Activity:

4. Site Construction hours shall be limited to Monday-Friday 7 AM-6 PM, Saturday and Sunday 8 AM-5 PM. 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.
5. The parking memorandum of agreement shall be approved by the City Council.
6. An agreement for the maintenance of the park shall be approved by the City Council

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

7. The new dwelling units shall be assessed the current water and sewer investment fees in place at the time of application for service.
8. Once it is determined how the brown space along Chestnut Street will look (whether mural or another feature), revised architectural renderings shall be submitted and approved by the Assistant City Manager.

Conditions to Be Met Prior to Occupancy:

9. Issuance of a certificate of occupancy.
10. Any new dwelling units and commercial space shall be assessed the current school impact fees in place at the time of building permit application.
11. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

Board Questions:

- F. Torr inquired regarding the overhead wires, and whether there's any lines going into the facilities. C. Parker responded that that is correct, and that it's one of the offsite improvements, wherein the Applicant, Staff, and Eversource have been working on plans to put lines on the Chestnut Street poles, the St. Thomas Street poles, and some Locust Street poles underground, which would be consistent with the Master Plan, calling for underground utilities.
- L. Skinner inquired regarding illustration that looks like a stairwell. C. Parker indicated it was a stair tower within the building for emergency egress.
- L. Skinner requested a prospective timeline for the project. J. Johnston indicated that, pending approval, they plan to begin demo over the winter, and start construction in April/May with an anticipated delivery of summer 2019.

Motion: F. Torr made a motion to approve the Site Plan, subject to staff recommended conditions. Seconded by

D. Ciotti. Vote UA

- D. Consideration and acceptance of Site Review for Salty Sea, LLC, (Owner: Thomas Cauley, Sr.), Assessor's Map 40, Lot 25, zoned B-3, located at 52 Old Rochester Road. (Proposal is to renovate an existing 1,672 sq. ft. residential unit to total 3,664 sq. ft. of commercial space in Bldg A, the removal of the existing garage to construct two buildings. Bldg B is comprised of 2,436 sq. ft. of commercial space on the first floor with 8 residential townhouses in the balance of the building. Bldg C will have 7 residential townhouses). *(P17-74)
- E. Consideration and acceptance of a Conditional Use Permit for Salty Sea, LLC, (Owner: Thomas Cauley, Sr.), Assessor's Map 40, Lot 25, zoned B-3, located at 52 Old Rochester Road. (Proposal is for 52 parking spaces where 44 are allowed) *(P17-79)

The Vice Chair announced items 4-D and E would be heard together.



CITY OF DOVER

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Meeting Date: **Tuesday, December 12 2017**
Meeting Time: **7:00 pm**

C. Parker stated that applicant is requesting to renovate an existing mixed use building, and create two additional buildings. Building B is comprised of 2,436 sq. ft. of commercial space on the first floor with 8 residential townhouses in the balance of the building and Building C will have 7 residential townhouses. A total of 6,100 square feet of commercial space will be available post construction.

The parking will be the side and rear of all three buildings, with the residential parking being mainly within garages. The applicant is seeking a conditional use permit for 8 additional parking spaces, above the allowed number. These will be on permeable pavement as shown on the parking plan.

Francis Bruton, Robert Stowell, TriTech Engineering, Mr. Collie (?), and the Applicant were present, represented the application. F. Bruton described the site plan and development program. R. Stowell went through further technical details, and explained their reasons for requesting the waivers.

Board Questions:

- The Chair verified that the necessity of the immense field of asphalt between Building C and Building D was due to fire safety, to which R. Stowell concurred. The Chair went further to inquire if it's feasible to utilize grass pavers. C. Parker indicated he would follow up on that suggestion. T. Donovan inquired whether there was a way to incorporate landscape strips between the individual parking spaces. R. Stowell noted that the pavement area next to the garage is what counts as parking space, rather than in front of the garage.
- D. Ciotti inquired regarding the gate to the dog park, and whether the dog park is accessible via the back of the property. C. Parker responded that, due to the fact that the site doesn't have that much green space on there, this would encourage the residents to utilize the park, even though it's not directly abutting it. The idea being that there would be a gate parallel to the project, creating closer access to the dog park, itself. H. Harmon inquired regarding any barriers on the gate, coming into the dog park. C. Parker responded that he has spoken to the Rec. Director, who indicated that he would work with the Applicant to best design it.
- T. Donovan inquired as to why more parking is being proposed than is allowed. C. Parker responded that, due to the change in the Regulations in 2014, while there is a maximum threshold for parking, there is a possibility of going above the maximum by meeting certain criteria, as outlined in the Conditional Use Permit. R. Stowell responded that, due to their design with emphasis on safety and not mixing traffic between residential and commercial, this will avoid typical overspill that would lead to mixed use.
- A Board Member inquired regarding the size of the units, in terms of bedroom counts. R. Stowell responded that there will be eight, 3-bedroom units in Building B. The other building will have seven, mostly 2-bedroom units.
- A Board Member inquired whether there is a relationship between the number of parking spaces and the Traffic Study. C. Parker stated that there is no real relationship, because the Traffic Analysis is based on unit count, although there could foreseeably be an indirect relationship, wherein unit count creates parking demand. Further discussion was had regarding whether or not there should be a direct relationship between them, rather than an indirect one.

Motion: F. Torr made a motion to accept the application for item 4-D and 4-E. Seconded by H. Harmon. Vote UA.

Public Hearing Opened. Nobody spoke. Public Hearing Closed.

STAFF RECOMMENDATION – Waiver:



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers 288 Central Avenue Dover, NH 03820
Meeting Date: **Tuesday, December 12 2017**
Meeting Time: **7:00 pm**

The Planning Department recommends that the Board approve the waiver from Section 149-14 (E)(2)(b) with the following condition:

Condition to Be Met Prior to Signing of Plans:

1. A note shall be added to the site plan that the waiver was granted for the reasons stated by the applicant and that the Board found the criteria of 149-19 have been met.

Motion: F. Torr made a motion to approve the Waiver subject to staff recommended conditions. Seconded by L. Skinner Vote UA

STAFF RECOMMENDATION – Site Plan:

C. Parker stated that the application meets the requirements of a Site Plan Review within chapter 149. 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 Conditional Use Permit (P17-79) shall be approved.
2. The applicant shall provide the Planning Department with:
 - a. digital version of plan set
 - b. Letters from utilities regarding ability to provide service to the development
3. The applicant must revise plan set to:
 - a. Add the owner's signatures.
 - b. Include the Professional Engineer, Licensed Land Surveyor, and Licensed Landscape Architect stamp and signatures.
 - c. Revise architectural sheet to indicate color and materials.
 - d. Revise Sewer note S-3 which points to the underground gas piping on plan sheet SP-3.
 - e. Add note that the Building Official shall assign mailing addresses.
 - f. Add note that the street sign (indicating Private) shall be placed on site at the time the curb cut for new road is created.
 - g. Indicate location where waste toters will be collected on collection day.
 - h. Add note about bike racks provided inside residential buildings and label commercial bike rack.
 - i. Indicate how the applicant plans to mitigate the issues brought up in the traffic study regarding sight distance concerns (e.g. signage, education of residents, etc.).

Conditions to Be Met Prior to Any Construction Activity:

4. Site Construction hours shall be limited to Monday-Friday 7 AM-6 PM, Saturday 9 AM-4 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:

5. The new dwelling units shall be assessed the current water and sewer investment fees in place at the time of application for service.
6. Applicant shall provide a financial contribution in lieu of providing the active and passive open space per 170-15.A to the satisfaction of the Assistant City Manager.
7. The applicant shall provide a gate to the dog park to the satisfaction of the Recreation Director.

Conditions to Be Met Prior to Occupancy:

8. Certificate of Occupancy be issued.
9. Any new dwelling units and commercial space shall be assessed the current impact fees in place at the time of building permit application.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
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Meeting Time: **7:00 pm**

10. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
11. Implement traffic study recommendations to the satisfaction of the Assistant City Manager.

Board Questions:

- F. Torr inquired if 3(i) was necessary, as result of the explanation by R. Stowell. C. Parker responded that he would like that explanation put on the plan, should someone question the Site Plan in the future.
- L. Skinner inquired regarding 3(h). C. Parker responded that the Parking Requirements state that the parking required a certain percentage of additional bike parking has to be provided, and he would just like them identified on the premises as to whether they are residential or commercial.
- D. Landry requested further clarification of 3(i), and whether or not the Applicant considers it to be a significant issue. C. Parker indicated that it's not a major issue, and explained the rationale behind it.
- D. Ciotti touched on 3(i) and inquired whether the last parking space would enter the sightline of the driver to the north of Old Rochester View. C. Parker indicated that's the stabilization for the construction entrance during construction, which would then be a paved asphalt surface. D. Ciotti went further to ask if that gives enough room for a car to cue in to turn left or right. He noted that if sight distance is a concern, possible removal of that last spot may alleviate any concerns. R. Stowell responded that the spot is not in the location that it's going to hit the sight distance, as there's a solid 20 feet from the fogline to the first space.

Motion: F. Torr made a motion to approve the Site Plan subject to staff recommended conditions. Seconded by D. Ciotti. Vote UA

STAFF RECOMMENDATION – Conditional Use:

C. Parker stated that the application meets the requirements for issuing a CUP for excess parking within chapter 149. The Planning Department recommends that the Board vote to approve the Conditional Use Permit as it meets the criteria of a CUP.

Motion: D. Ciotti made a motion to approve the Conditional Use Permit. Seconded by G. Cruikshank. Vote UA

- F. Consideration and acceptance of a Minor Lot Line Adjustment for Timothy & Cheryl Lindsay Rev. Trust & Robert & Lucilee E. Richard Rev. Trust, Assessor's Map J, Lots 17 & 18A, zoned R-40, located at 4 & 10 Bayview Road. *(P17-77)

C. Parker stated that this is a minor lot line adjustment between 2 lots. Lot 17 will go from 27,985 s.f (0.642 acres) to 28,987 s.f (0.665 acres). Lot 18-A will go from 54,629 s.f. (1.254 acres) to 53,627 s.f. (1.231 acres).

Lot 17 is already non-conforming as the zone requires 40,000 square feet minimum lot size and the lot is currently 27,985 square feet and will be 28,987 square feet. So this does not create a new non-conformity.

The lot line is moving 5.04' easterly which will make lot 17 slightly more conforming in lot area although not enough to make it conform to the 40,000 s.f. minimum lot area. Since lot 17 is a corner lot, it meets the frontage requirement of 150'. Lot 18-A remains conforming to the minimum frontage and the minimum lot area.

Steve Haight, Civilworks New England, represented the application and described the layout.

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



CITY OF DOVER

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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. Add Planning file number to be P17-77 on all sheets
 - d. Revise note 4 to indicate proposed and existing area in both square feet and acres.
 - e. Revise lot area calculations to indicate acres in addition to square feet.
 - f. Indicate well radii
 - g. Add common minor lot line adjustment note 14 about Dover GIS tie in.

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

- G. Consideration and acceptance of a Conditional Use Permit for Frederic & Deborah Federlein, Assessor's Map L, Lot 95-1K, zoned R-20, located at 11 Landing Way. (Proposal is for site improvements and construction within the Conservation District) *(P17-78)

C. Parker stated that applicant is requesting a Conditional Use Permit to build a pervious paver patio with retaining wall and a new walkway to existing dock, within the 100 foot Conservation District adjacent to the tidal Piscataqua River, with 883 square feet of temporary impact and 205 square feet of permanent impact. Three existing retaining walls are proposed to be rebuilt but only one is in the Conservation District.

The Conservation Commission reviewed and endorsed this project at their November 13, 2017.

Steve Rickerich, Ambit Engineering, represented the application and described the layout.

Board Questions:

- The Chair requested confirmation that this is a repair of existing walls. S. Rickerich indicated that it's a replacement in very similar locations.
- A Board Member inquired how the wall ended up in the Conservation District. C. Parker responded that he will have to do further research on it to see if it does fall into the Conservation District.

Motion: F. Torr made a motion to accept the application for item 4-G. 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 CUP within chapter 170. The Planning Department recommends that the Board vote to approve the application with the following Conditions:



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall revise the plat to:
 - a. Add the owner's signatures.
 - b. Add Planning File Number P17-78
 - c. Have the Certified Wetland Scientist, Licensed Land Surveyor, and Professional Engineer re-stamp and sign
 - d. Add note about tying into Dover GIS and supplying a DWG to the City
2. The applicant shall provide:
3. Copy of the NHDES Wetlands & Shorelands permit.

Motion: T. Donovan made a motion to approve the CUP subject to staff recommended conditions. Seconded by H. Harmon. Vote UA

5. STAFF COMMENT

C. Parker:

- There is no December 26th meeting.
- Land Use Meet and Greet is January 9th, with subsequent goal setting meeting.
- No TRCs have occurred.
- Update on Third Street, Chapel Street, and Pointe Place.
- Change of issuance of Certificate of Occupancy to be required prior to occupancy.

D. Landry inquired regarding the area across from Aroma Joe's, in terms of progress of development. C. Parker has not received any update on it.

D. Landry inquired if during Q1 that the Open Lands Committee could make a presentation at a PB meeting. C. Parker indicated that it may take place during the 2nd meeting in January 2018.

6. MEMBER COMMENTS

T. Clark brought up the subject of the parking issue and the 1st Floor residential, and gave clarification to L. Skinner's verbiage that "the words are the same". He pointed out 170-20D3H.

L. Skinner conveyed his sentiments regarding Open Space Subdivisions, and inquired as to why they should be maintained.

7. ADJOURNMENT

Motion: G. Cruikshank made a motion to adjourn at 9:27 pm. Seconded by L. Skinner. Vote UA.