



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall, 288 Central Avenue
Meeting Date: **Tuesday, June 12, 2018**
Meeting Time: **7:00 pm**

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

Members Not Present: Tristan Donovan (Alternate)

Staff Present: Christopher Parker, Assistant City Manager

The Chair called the meeting to order at 7:00 p.m

1. CITIZENS' FORUM

Citizens Forum Open.

Cynthia Ellis 449 Middle Road, asked the Board to consider an email database people could sign up for alerting them about meetings.

Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- May 22, 2018 Regular Meeting Minutes

Motion: F.Torr made a motion to approve the minutes as presented. Seconded by D.Ciotti. Vote U/A

3. OLD BUSINESS

- A. Public Hearing to consider amendments to Chapter 149, entitled “Site Review Regulations” of the code of the City of Dover. Amendments include revising terminology, administrative review process, certificate of occupancy requirements, lighting and landscaping standards, driveway regulations, and updating definitions. The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under City Documents & View Current City Reports.

J.Burdin recused himself, S.Wheeler sat in.

Motion: L.Skinner made a motion to remove the items from the table. Seconded by T.Clark. Vote U/A

C.Parker reviewed the amendments.

Public hearing opened. No One Spoke. Public Hearing Closed.

Motion: T.Clark made a motion to adopt the amendments to chapter 149. Seconded by D.White. Vote U/A

The Vice chair announced that the following items will be heard together.

- B. Discussion and possible vote of a Major Subdivision with Transfer of Development Rights for TDAK & Company LLC, Assessor's Map 35, Lot 57, zoned R-12, located at 99 Sixth Street. (Proposal is to



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall, 288 Central Avenue
Meeting Date: **Tuesday, June 12, 2018**
Meeting Time: **7:00 pm**

construct a 345 ft. private roadway to access the existing two unit condominium and construct four additional single family dwellings). (P18-07)

- C. Discussion and possible vote of a Conditional Use Permit for TDAK & Company LLC, Assessor's Map 35, Lot 57, zoned R-12, and located at 99 Sixth Street. (Proposal is to construct a 345 ft private roadway impacting areas of the parcel containing 20% slopes). (P18-19)

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

C.Parker noted that these items, were tabled at the May 8th meeting. The Board held a site walk on May 22 to review the proposed 6 unit subdivision, including the location of the four single family homes. All will be accessed through a private roadway. The Applicant is requesting a waiver to allow for a 10% grade to the roadway where 8% is allowed, and also requires a conditional use permit for steep slopes. The Conservation Commission endorsed the CUP at its May meeting.

Christopher Berry, Berry Surveying and Engineering walked the Board through the waiver request and explained the impact of 8% grading, noting that there would be no loss of units, the units would be spread out and more of the hill would be excavated. He also noted that the builder will install sprinkler systems in the single family homes, if the waiver is granted.

Public hearing reopened. No One Spoke Public Hearing Closed.

STAFF RECOMMENDATION: Waiver

The Planning Department recommends that the Board approve the waiver requests from Sections 155-33.G, 155-33.C, and 155-33.A with the following condition:

Condition to Be Met Prior to Signing of Plans:

1. A note shall be added to the subdivision plan, noting what the waivers are for, and that the waivers were granted for the reasons stated by the applicant and that the Board found the criteria of 155-51.A have been met.
2. A note shall be added to the subdivision plan that all units shall have a Code compliant fire suppression sprinkler system

Discussion ensued regarding sprinklers, fire suppression and life safety in general.

L.Skinner noted he does not support the waiver, and raised concerns about life safety.

Motion: J.Burbin made a motion to approve the waiver subject to the staff recommended conditions. Seconded by T.Clark. Vote 7-2 (Torr, Skinner)

STAFF RECOMMENDATION: Subdivision

Chapter 155-15 of the Land Subdivision Regulations of the City Code provides for subdivisions of existing lots. This proposal is consistent with those standards. Staff recommends approval of the Subdivision with the following conditions

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall provide a digital version of the plan to the Planning Department.
2. The transfer of development fees for additional units shall be paid.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall, 288 Central Avenue
Meeting Date: **Tuesday, June 12, 2018**
Meeting Time: **7:00 pm**

3. The applicant shall provide homeowners association documents to be reviewed and approved by the Assistant City Manager in consultation with the City's General Legal Counsel. Documentation shall include common space, roadway, walking path, and stormwater infrastructure maintenance/operation.
4. The applicant shall provide letters from utilities regarding ability to provide service to the development.
5. The applicant shall revise the plat to:
 - a. Indicate proposed walking path.
 - b. Indicate the 15-foot side setback required in the R-12 Zoning District.
 - c. Add the owners' signatures.
 - d. Add the Licensed Land Surveyor, Professional Engineer, Landscape Architect, and Wetland Soil Scientist stamps and signatures.
 - e. Add permit numbers and dates to the permit status notes.
 - f. Insert 8% road grade plan.
 - g. Show additional screening (a fence and vegetation) along the easterly boundary

Conditions to Be Met Prior to Any Construction Activity:

6. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Assistant City Manager.

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

7. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

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

8. Documentation that the HOA has been created and is in place.
9. Impact fees for any new unit shall be paid per the invoice provided with the Notice of Decision.

Motion: D.White made a motion to approve the Minor Subdivision subject to the staff recommended condition. Seconded by T.Clark. Vote 8-1 (Skinner)

STAFF RECOMMENDATION: Conditional Use Permit

The Conservation District ordinance provides for Conditional Use Permits to allow impacts to land than has slopes of 20% or greater if standards related to avoidance of impact, minimization of impact, mitigation and soil erosion and sedimentation control are met. This proposal is consistent with those standards. Staff recommends approval of the Conditional Use Permit with the following conditions

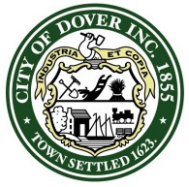
Conditions to Be Met Prior to Issuance of the Conditional Use Permit:

1. Subdivision (P18-07) is approved.

Motion: D.White made a motion to approve the Conditional Use Permit subject to the staff recommended condition. Seconded by T.Clark. Vote U/A

4. NEW BUSINESS

- A. Consideration and acceptance of an amendment to the conditions for a previously approved Subdivision Plan (7/25/17) for Scott M. Coughlin, Assessor's Map I, Lot 94B, zoned R-40, and located at 17 & 19 Piscataqua Road. (Proposal is to relocate driveway). *(P17-41A)



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall, 288 Central Avenue
Meeting Date: **Tuesday, June 12, 2018**
Meeting Time: **7:00 pm**

C.Parker explained the applicant is requesting to amend a condition of approval from a minor subdivision approved by the Board in July 2017. The Board had required a shared driveway onto Piscataqua Road for the two homes to share. The applicant is seeking to have the driveway for the new home off Hidden Valley Drive. The plan was signed on December 12, 2017 and has been recorded the Registry of Deeds.

James Schulte represented the requested amendment and discussed the project.

It was confirmed for D.Landry the building address would be a Hidden Valley Dr address.

J.Schulte confirmed for J.Burdin that the intent was for the property owner to contribute some costs towards the upkeep of the private road, and noted that Mr. Coughlin owns the land underneath Hidden Valley Drive.

C.Parker confirmed this was a private matter between the parties.

Motion: F.Torr made a motion to accept the application. Seconded by D.White. Vote 8-1 (Ciotti)

Public hearing opened. No One Spoke Public Hearing Closed.

STAFF RECOMMENDATION

The overall request accomplishes the same goal as the shared driveway, reducing curb cuts and conflict points on Piscataqua road. Staff recommends approval the amendment with the following conditions (all conditions other than 3C from the previously approved plan shall remain in effect):

Conditions to Be Met Prior to Signing of the Plans:

1. The applicant shall revise the plat to:
 - a. Add the plan view of the conceptual site layout to the previous plan with all subdivision notes to be considered the final plat.
 - b. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
 - c. Indicate one shared driveway between lots 1 and 2 with a shared access easement recorded at the registry of deeds
 - d. Include the Licensed Land Surveyor's stamp and signature.
 - e. Add the NHDES Subdivision permit number.

Motion: F.Torr made a motion to approve the amendment to the previously approved plans subject to the staff recommended condition. Seconded by T.Clark. Vote 8-1 (Ciotti)

- B. Consideration and acceptance of a Major Subdivision with Transfer of Development Rights for TDAK & Company LLC., Assessor's Map M, Lot 61, zoned R-20, and located at 146 Dover Point Road. (Proposal is to construct a 475 ft. private roadway to access the existing single family dwelling and to construct ten single family dwellings). *(P18-14)

K.Schuman explained the process for the review of the application to the audience.

C.Parker explained that the applicant is seeking a subdivision to create 10 additional lots on a 4 acre parcel, using the Transfer of Development right's ordinance. There will be two 2 common open space lots. The lots will be serviced by public water and while the plans show private septic systems a public sewer option has been designed. The homes will be accessed via a private road.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall, 288 Central Avenue
Meeting Date: **Tuesday, June 12, 2018**
Meeting Time: **7:00 pm**

The applicant intends to purchase development rights for an additional 4.5 (rounded to 5) dwelling units, and limit all 5 of the TDR dwelling units to no more than 1,400 square feet, per posted amendments to Section 170-27.2 of the Zoning Ordinance.

The applicant requests two waivers relative to the private road: a 10% slope instead of the permitted 8% and a maximum slope exceeding 3% within 75' of an intersection.

Christopher Berry, Berry Surveying and Engineering, represented the applications and review the details of the plan, and noted the sewer and area where increased vegetation will be added along the southerly boundary (with Tendercrop Farm).

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

Public hearing opened.

Matt Kozazchi, 123 Dover Point Road reiterated the letter he emailed asking for screening along his property.

Matt Haas, 138 Dover Point Road is concerned with the development and the intensity of the development.

Dan Carroll, 151 Dover Point Road is concerned about the development, the impact it will have on the character of Dover Point Road, the farming in the area and environment.

Cynthia Ellis, 449 Middle Road is concerned about the intensity of the development and the density proposed, also is concerned with loss of habitat and impact on the environment.

Bill Tuttle, 437 Middle Road, understands the site can hold more homes, but is concerned about the density and intensity of the lot. Expressed concerns about ledge, having lived on the parcel and in the existing house. Explained how drainage from the site flows under Dover Point Road to the farm pond across the street.

Kevin O'Brien, 140 Dover Point Road is concerned about density and with the impact on the character of Dover Point Road, and the ledge in the area.

Janet Cerilli, 471 Middle Road, is concerned about the impact the development would have on the environment and the wildlife that lives in the area.

Lou Salome 132 Dover Point Road expressed concerns about impact on the farm and character of Dover Point Road due to density.

Public Hearing recessed.

STAFF RECOMMENDATION:

C.Parker explained that Chapter 155-15 of the Land Subdivision Regulations of the City Code provides for subdivisions of existing lots. Chapter 170-27.2 allows for additional units to be purchased by property owners if the Board finds the development consistent with surrounding properties and density. He also thanked the public for attending and being part of the planning process, and explained how the TDR review process differs from a conventional subdivision.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall, 288 Central Avenue
Meeting Date: **Tuesday, June 12, 2018**
Meeting Time: **7:00 pm**

C.Parker recommended tabling the application, holding a site walk and revisiting the application in July.

Site walk will be held on June 26 2018, at 5:30. The centerline of the road, lot corners, buffer vegetation to remain shall be staked, as should areas where the grade will be most impacted.

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

- C. Consideration and acceptance of a Minor Lot Line Adjustment for Thomas J & Nancy A Viel, Assessor's Map M, Lots 70 & 72, zoned R-20, located at 405 & 413 Middle Road. *(P18-26)

C.Parker explained that the applicant proposes to adjust the lot lines between 2 lots. Lot M/72 will be decreasing from 2.37 ac (103,060 sq. ft.) to 1 ac (43,500 sq. ft.). Lot M/70 will be increasing from 2.29 ac (99,699 sq. ft.) to 3.66 ac (159,259 sq. ft.).

Kevin McEneaney, McEneaney Surveying, represented the applications and review the details of the plan.

Motion: F.Torr made a motion to accept the applications. Seconded by D.Landry. Vote U/A

Public hearing opened. No One Spoke Public Hearing closed.

STAFF RECOMMENDATION:

Chapter 155-18 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations.

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. Indicate Zoning District boundary across Middle Road
 - d. Revise note 13 to add NH DES subdivision approval number
 - e. Add Planning file number to be P18-26

Motion: F.Torr made a motion to approve the lot line adjustment subject to the staff recommended condition.. Seconded by D.Landry Vote U/A

5. STAFF COMMENTS

- Review TRC projects: conceptual projects
- Updated the Board on Washington Street, Central/Glenwood, Third Street, Bradley Commons
- Move to McConnell Center

6. MEMBER COMMENTS

7. ADJOURNMENT

Motion: L.Skinner made a motion to adjourn at 9 p.m. Seconded by D.Landry. Vote U/A