

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: McConnell Center Rm 306 – 61 Locust Street
Meeting Date: **Tuesday, September 25, 2018**
Meeting Time: **7:00 pm**

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

Members Not Present: Lee Skinner

Staff Present: Christopher G. Parker, Assistant City Manager

The Chair called the meeting to order at 7:00pm and sat H. Harmon for L. Skinner. He announced item F will not be heard tonight. It will be heard October 9, 2018.

1. CITIZENS' FORUM

Citizens Forum Open. No One Spoke. Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- September 11, 2018 Regular Meeting Minutes

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

3. OLD BUSINESS

None

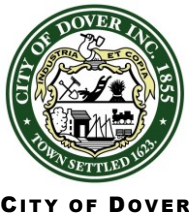
4. NEW BUSINESS

G. Cruikshank noted that items A, B and C would be heard together.

- Consideration and acceptance of a Lot Line Adjustment for Marker 44 Holdings, LLC, Assessor's Map 24, Lots 114 & 115-B, zoned CBD-G & CWD and located at 87 Portland Ave and Cochecho St. *(P18-36)
- Consideration and acceptance of a Conditional Use Permit for Marker 44 Holdings, LLC, Assessor's Map 24, Lot 115B, zoned CBD-G & CWD, located at 87 Portland Ave and Cochecho St. (Proposal is to install utilities, walking path, parking, retaining wall and site grading. Impacts include 9,950 sq. ft. of 20% slope, 150 sq. ft. of Conservation District within 100 feet of Cochecho River, 11,017 sq. ft. of wetland buffer impact, 181 sq. ft. of permanent wetland impact and 589 sq. ft. of temporary wetland impact.) *(P18-35)
- Consideration and acceptance of a Site Review for Marker 44 Holdings, LLC, Assessor's Map 24, Lots 114 & 115-B, zoned CBD-G & CWD, located at 87 Portland Ave. & Cochecho St. (Proposal is to leave the existing 2,176 sq. ft. two family dwelling and construct four 3,904 sq. ft. multi-unit apartment buildings containing a total of 32 units and construction of a 24 ft. wide driveway to access both buildings.) *(P18-34)

C. Parker explained the applicant is seeking to leave the existing 2,176 sq. ft. two family dwelling and construct four 3,904 sq. ft. footprint multi-unit apartment buildings containing a total of 32 units and construction of a 24 ft. wide driveway to access both buildings.

In order to set the two family dwelling apart, the applicant is proposing to adjust the boundary line between two lots. Lot 114 will decrease from 0.94 acres (41,164 s.f) to 0.23 acres (10,100 s.f.). Lot 115-B will increase from 0.91 acres (39,463 s.f.t) to 1.62 acres (70,526 s.f.).



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Finally, in order to install utilities, walking path, parking, retaining wall and site grading in the Conservation District (within 100' of the Cochecho River), wetland buffer impact, and temporary and permanent wetland impacts, the applicant seeks a Conditional Use Permit.

The Technical Review Committee reviewed this at their August 9th meeting and then had a follow up discussion on how comments were addressed to each Department's satisfaction. The Conservation Commission endorsed the Conditional Use Permit at their August 13, 2018 meeting.

S. Haight, Civilworks New England, reviewed the layout and details. Following the presentation, the lighting and percent of grade was clarified for the board.

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

Public hearing opened.

Barbara Murphy, 90 Portland Ave stated she moved in three years ago and is not happy with the project being near her residence. She requests a current wetlands study be done since the information she found is from 2009. She is concerned her home's value will be diminished. She stated not all abutters received notification of the meeting. She is concerned about the building height, the one-way entrance/exit won't accommodate fire safety vehicles, the wetlands area and the alteration of terrain, how long the project will take and traffic and safety issues. She requests a traffic/safety study be done.

Kevin Batson, 86 Portland Ave also wondered if a traffic study has been done regarding the effect of adding 32 new families to that area. It is already a busy intersection.

Greg Pillette, 97 Portland Ave said the back of his property will abut this development. He is concerned with traffic, noise, safety (will a traffic light go in? will there be more crosswalks?), lighting, privacy (people walking through yards- will there be a fence?) and wondered if plant life at the property line will be dug up. He also inquired about the daily start time of construction.

Matt Roper, 32 Rogers St stated the new structure will be five feet from his property line. He requested a continuance. His neighbor couldn't make the meeting tonight, and he had to fly in for it. He anticipates apartments with small square footages which leads to tenant turn-over. He also has parking concerns.

James Printy, 46/48 Cocheco St will abut the development. He encouraged the board members to walk the property. It is very wet. He is concerned with flooding, drainage, grading, landscape maintenance, snow storage, wetland buffer and the number of units proposed.

Diane Carter, 76 Portland Ave is concerned about the driveways, traffic and safety. She commented on the short notice of the meeting – she received it today.

Public Hearing closed.

C. Parker addressed the public comments as follows:

- a wetland analysis was done
- he gave explanations of the Central Business District and Cocheco Waterfront District
- for fire vehicle access a turn was provided in the driveway



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- a traffic study has been done. It included suggestions for improvements on Portland Ave. He further reported that this neighborhood is under review with the planning department.
- standard hours for construction in Dover are M-F 7am-6pm and S-S 9am-4pm. The Planning Board has the authority to restrict weekend hours however the restriction is for heavy equipment only. There is no ordinance restricting the use of manual tools.
- lighting units have to be down-lighting
- an 8' fence will be installed
- unit sizes will be close to 1400 square feet each
- an operation of maintenance landscape plan is required
- storm water operations maintenance plan is also required
- pest management plan is required
- parking proposed meets requirements
- regarding the notice of the meeting: state law requires 10-day certified mail notice for abutters within 200 feet. If no one is home to receive it, a receipt is left for homeowners to come retrieve it. C. Parker encourages residents to come to the office to review the full-sized plans, maps and studies.

S. Haight addressed remaining public comments as follows:

- the traffic study concluded 32 extra families will not noticeably impact the area
- a wetlands study and survey were done. The plan uses current 2018 data.
- the driveway is sized and shaped specifically to accommodate fire safety vehicles
- he explained the drainage system: the grading directs the flow to the catch basins which treat the water before sending it to the underground detention system.
- there is a landscape plan
- fences will be installed to prevent people from walking through
- the parking garages will be in the ground- they are using the topography to keep the height less than the 55' allowed
- confirmed the units will be 1,400-1500 square feet with elevators and stairwells as common areas
- units will have two bedrooms and patios. The building is oriented towards Cocheco so front doors and patios are not facing residential abutters.
- construction will take minimum 12-15 months but could be two years or more. The site work (drainage, utilities) will go in first, then construction will occur one building at a time. Planning to start in the spring.

C. Parker made a few final comments. This is a border zone. TRC liked the screening and the facing of the property. The developer is Dover-based and familiar with all regulations. Regarding notifications, Dover is considering sending them earlier than the state requires since mail is not being sorted in Dover anymore.

Staff Recommendation – Lot Line Adjustment:

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. The Planning Department recommends that the Board vote to approve the lot line adjustment plan 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



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- c. Add Planning file number to be P18-36
- d. Add note that sheds may stay in place as the lot line adjustment is between the same owner's two properties

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

Staff Recommendation – Conditional Use Permit:

The Wetlands Protection District ordinance provides for Conditional Use Permits to allow impacts to wetlands and wetland buffers if standards related to demonstration of need, avoidance, minimization, and mitigation are met. This proposal is consistent with those standards.

The Conservation District ordinance provides for Conditional Use permits to allow impacts within 100' of a tidal river if standards related to demonstration of avoidance of impact, minimization of impact, mitigation and soil erosion and sedimentation control are met. This proposal is consistent with those standards. The Planning Department recommends that the Board vote to approve issuing the Permit with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

- 1. Lot line adjustment (P18-36) and Site Plan (P18-34) is approved.
- 2. Add NHDES wetlands permit number to the plan.

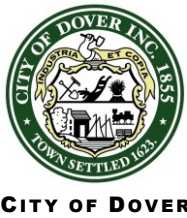
Motion: D. White made a motion to approve the Permit subject to the staff recommended conditions. Seconded by G. Cruikshank. Vote U/A

Staff Recommendation – Site Plan:

Chapter 149-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. This plan is consistent with those regulations. The Planning Department recommends that the Planning Board vote to approve the site plan with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

- 1. The conditional use permit (P18-35) and Lot Line Adjustment (P18-34) shall be approved
- 2. The applicant shall provide:
 - a. A digital version of plan set
 - b. Integrated Pest Management Plan documenting need or lack thereof for pest control
 - c. Cross-access easements for parking and access
- 3. The applicant must revise final plan set to:
 - a. Add the owner's signatures to the final plat submitted for signature to be recorded at the Stafford County Registry of Deeds
 - b. Add LLS, PE, and Landscape Architect signatures and stamps to final plan
 - c. Substitute vinyl siding with a more natural material
 - d. Address any outstanding TRC comment
 - e. Note Integrated Pest Management plan on demo sheet
 - f. Locate the gates valves on the water services
 - g. Install a sewer manhole on Cocheco Street.
 - h. Indicate that an 8' tall fence will be installed along the property line parallel to Portland Avenue with Map 24 lot 115



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- i. Indicate that an 8' tall fence will be installed along the property line perpendicular to Cochecho Street with Map 24 Lot, 113 unless the abutter determines one is not necessary. Such determination shall be provided to the Planning Department in writing.
- j. Change site construction hours to exclude Sunday hours.

Conditions to Be Met Prior to any Construction Activity:

4. 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.
5. Applicant shall complete Land Use Development Tracking Form, most recently revised version, utilizing the online Pollution Tracking and Accounting Pilot Project (PTAPP) portal. <https://www.unh.edu/unhsc/ptapp>
6. Provision of Integrated Pest Management Plan are in place to the satisfaction of Inspection Services.

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

7. The new dwelling units shall be assessed and pay the current water and sewer investment fees in place at the time of application for service.

Conditions to Be Met Prior to Occupancy:

8. Issuance of a certificate of occupancy.
9. Impact fees for new dwelling units shall be paid per the invoice included with the Notice of Decision.
10. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

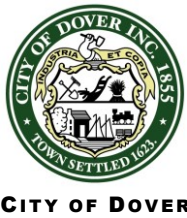
Motion: D. Landry made a motion to table the site plan for a site walk on October 13. Seconded by F. Torr. Vote 8-1 with J. Burdin opposed.

G. Cruikshank noted that items D and E would be heard together.

- D. Consideration and acceptance of a Site Review for Summit Land Development, Assessor's Map K, Lot 19-4, zoned ETP (RCM Overlay), located at Pointe Place. (Proposal is to construct three buildings consisting of 8,000 sq. ft. commercial space and 119 residential units.) *(P18-37)
- E. Consideration and acceptance of a Conditional Use Permit for Summit Land Development, Assessor's Map K, Lot 19-4, zoned ETP (RCM Overlay), located at Pointe Place. (Proposal is to allow work within the 50 ft wetland buffer, with a retaining wall to limit the amount of grading and prevent any direct wetland impacts. There is about 4,000 sq. ft of buffer impact.) *(P18-38)

C. Parker explained the applicant is proposing to build 3 buildings on Pointe Place. Two would be all residential and the third would have commercial on the ground floor. The plan completed the build out directly upon Pointe Place. Similar to the previous mixed use buildings, the applicant is proposing to utilize the Transfer of Development Rights to allow for the residential units. The applicant proposed to place a conservation easement upon 3 acres of land for use as a recreational amenity adjacent to the Stonewall Drive land, and then purchase additional units via TDR.

This project is within the Residential Commercial Mixed Use district, which provides for a mix of uses, and includes requirements for a certain amount of commercial square footage to be provided. The plan is consistent with the requirements. Part of the site plan includes the addition of a left turn lane off Pointe



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Place. This was to allow traffic flow at the four way created with the access to these units and the access way to behind the previously approved mixed use buildings.

The applicant appeared before the Technical Review Committee on August 16, 2018.

The Conservation Commission endorsed the Conditional Use Permit at their August 13, 2018 meeting.

The applicant received a variance from the Zoning Board of Adjustment to permit a building height of 44.5 feet where a maximum of 35 feet is allowed for a residential building.

Corey Belden, Altus Engineering, reviewed the layout and details. The construction timeline was stated as: construction on building 3 starts this fall with plans to complete in one year. If the market remains favorable, construction on building 4 begins next summer.

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

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

STAFF RECOMMENDATION- TDR:

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

Conditions to be Met Prior to Signing of the Plans:

1. TDR fees shall be paid.
2. Note shall be added onto the plan explaining what relief is granted.

Motion: J. Burdin made a motion to approve the TDR units subject to the staff recommended conditions. Seconded by D. Ciotti. Vote U/A

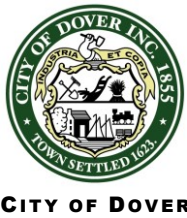
STAFF RECOMMENDATION- SITE PLAN:

Chapter 149-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. This plan is consistent with those regulations.

The Planning Department recommends the Planning Board vote to approve the Site Plan with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The conditional use permit (P18-38) shall be approved.
2. The applicant shall provide:
 - a. A digital version of plan set
 - b. Lighting plan for this application (with 3 buildings)
3. The applicant must revise final plan set to:
 - a. Combine all plans and renderings into one set.
 - 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 LLS, PE, and Landscape Architect signatures and stamps to final plan
 - d. Indicate Building 5 looks the same as Building 4
 - e. Address any outstanding TRC comments.
 - f. Change site construction hours to exclude Sunday hours.



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- g. Add note regarding TDR calculation.
- h. Indicate percentage of residential and commercial space
- i. Provide abutter information on neighborhood plan
- j. Indicate that excess snow that cannot be stored on site will be trucked off and removed appropriately.
- k. Add Zoning Board of Adjustment information from September 20, 2018 meeting

Conditions to Be Met Prior to any Construction Activity:

- 4. 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.
- 5. Applicant shall complete Land Use Development Tracking Form, most recently revised version, utilizing the online Pollution Tracking and Accounting Pilot Project (PTAPP) portal. <https://www.unh.edu/unhsc/ptapp>

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

- 6. The new dwelling units shall be assessed and pay the current water and sewer investment fees in place at the time of application for service.

Conditions to Be Met Prior to Occupancy:

- 7. Issuance of a certificate of occupancy.
- 8. Impact fees for new dwelling units and commercial space shall be paid per the invoice included with the Notice of Decision as well as the deed indicating the documentation of the 3 acres on Cold Springs to be recorded at the Strafford County Registry of Deeds
- 9. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
- 10. Traffic Control device (eg a traffic light) at Dover Point Road shall be installed before Certificate of Occupancy for Building #4 or at a time determined by a subsequent site plan approval, to the satisfaction of the Assistant City Manager and City Engineer.
- 11. Pointe Place shall meet all City standards for a public roadway.

The board members discussed the round-about, the left-turn lane, a median, roadways, traffic and safety. Discussion continued regarding what exactly was previously approved regarding the roadways/ driveways and how to move forward with them.

Motion: F. Torr made a motion to approve the site plan subject to the staff recommended conditions. Seconded by T. Clark. Vote 8-1 with D. White opposed.

STAFF RECOMMENDATION- CONDITIONAL USE PERMIT:

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

- 1. Site Plan (P18-37) is approved.
- 2. Copies of the Alteration of Terrain Permit be submitted to the Planning Department.

Motion: F. Torr made a motion to issue the CUP subject to the staff recommended conditions. Seconded by D. Landry. Vote U/A

- F. Consideration and possible posting of an amendments to Chapter 170, entitled “Zoning Ordinance” of the code of the City of Dover. The amendment allows any future relief to the Cochecho Waterfront District regulations to be through a Conditional Use Permit from the Planning Board rather than by relief from the Zoning Board of Adjustment.



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Item was not heard. Will be added to the October 9th agenda.

5. STAFF COMMENTS

- Development update on Third Street, Washington Street and Glenwood/Central.
- Thanked those who took the Visual Preference Survey
- TRC has been scheduled for a project 56 Dover Point Road.
- New Alternate Jackson Kaspari
- CIP Presentation is October 3

6. MEMBER COMMENTS

D. Ciotti inquired when the intersection on Washington St will be completed. C. Parker stated it won't be before May.

T. Clark inquired about 56 Dover Point Rd. C. Parker gave an update of everything he is aware of.

7. ADJOURNMENT

Motion: G. Cruikshank made a motion to adjourn at 9:45pm. Seconded by D. Landry. Vote U/A