Dover Planning Board – Minutes

CITY OF DOVER

Meeting Type:	Regular Meeting
Meeting Location:	City Council Chamber's 288 Central Avenue
Meeting Date:	**Tuesday, December 11, 2018**
Meeting Time:	**7:00 pm**

Members Present: Gina Cruikshank (Vice Chair), Frank Torr, Dave Landry, Dave White, Lee Skinner, Tristan Donovan (Alternate), Kirt Schuman (Chair), Dennis Ciotti (Councilor), Jackson Kaspari (Alternate)

Members Not Present Tom Clark, Hayley Harmon (Alternate), James Burdin

Staff Present: Christopher Parker, Assistant City Manager

The Chair called the meeting to order at 7:00 pm. He noted that Tristan Donovan would sit in for James Burdin and Jackson Kaspari would sit in for Tom Clark.

1. Citizens' Forum

Citizens Forum Open.
C. Parker, 4th St and Assistant City Manager stated Planning Board Chair, Kirt Schuman is resigning from the board after this meeting. He noted Mr. Schuman's accomplishments and assistance with various projects and initiatives. He also thanked Mr. Schuman for his professionalism.
Citizens Forum Closed.

2. Approval of the prior minutes

- November 13, 2018 Regular Meeting Minutes

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

3. Old Business

A. Consideration and acceptance of a Site Review Amendment for Johnson Creek Village (Owner: Aramis Black/Real McKoy LLC), Assessor's Map H, Lot 1, zoned B-4, located at 301 Durham Road. (Proposal is to change the classification from Elderly Assisted Care to Assisted Living, increasing beds from 12 to 24, adding parking, lighting and other minor changes). *(P15-38A)

G. Cruikshank made a motion to remove the item from the table. Seconded by F. Torr. Vote U/A

C. Parker explained that in 2015, the applicant received approval for a 12 bed Elderly Assisted Care facility, from the Zoning and Planning Boards. Subsequently, the applicant determined that an Assisted Living Facility with more beds would be a more appropriate use of the land. The applicant wishes to add additional beds (up to 24), plus change in classification from an Elderly Assisted Care to Assisted Living Facility.

The Technical Review Committee reviewed this at its October 18th meeting and then had a follow up discussion on how comments were addressed to each Department's satisfaction. If approved, these plans will supplant the previous approval from 2015.

The revised project required approval by the Town of Madbury as well, due to the use of a septic system partially in Madbury. The Madbury Planning Board conditionally approved the project at its November 7th meeting.

Due to the proximity of the project to the town line, the project triggers a review of Regional Impact, NH RSAs 36:54 – :58. Regional impact legislation is designed to give abutting municipalities an opportunity to review projects which might impact more than the community they are being developed within.

C. Parker stated the staff recommends the Board vote this application does not trigger regional impact.

S. Haight, Civilworks NE, reviewed the technical aspects of the plan. There will be no expansion of the building structure- just an additional 12 beds for a total of 24 beds and the added leech field in Madbury. Some changes added following technical review: add 6 parking spaces; egress paths; lighting; the added leech field; fence around dumpster pad; wall between transformer and generator pad. All items identified at the 10/18/18 TRC meeting are included in the plan set. The well radius hasn't changed and meets the Madbury standards with regard to the property across the street.

Public hearing opened.

- David Greenshields, 13 South Watson/ 314 Rt 108 Madbury owns Little Tree Education and is concerned about their water. He and his wife have brought two professionals to speak on their behalf.
- Danna Truslow, hydrologist, 454 Court St Portsmouth provided a letter addressing the septic system discharge on the water supply. At Little Tree Education there are 75 children aged 6 weeks to 12 years. That property has a bedrock well. The proposed leach fields are located near an aquifer. The abutter is concerned about prescription drugs and cleaning supplies going into the leach field and then into their water supply. She requested the discharge from the facility go to City sewer and that there's a management plan for use and disposal of drugs and cleaning products.

Discussion occurred among the board whether to let the next speaker on behalf of the abutter speak for longer than 5 minutes.
Motion: L. Skinner moved to maintain the 5-minute time limit. D. Ciotti seconded. Motion passed 5-4.

- Patte Dell Isola, co-applicant, owns the land where the proposed leach field will go if needed (in Madbury). The Madbury Planning Board worked with the applicant to make sure they met all requirements for both towns. They made sure the easement from the well and aquifer were done properly. They have and plan to follow all State and Town regulations for water, sewer and discharge.
- Sarah Greenshields, 13 South Watson/ 314 Rt 108 Madbury, owner of Little Tree Education asked Denis Robinson to speak for her.
  Denis Robinson, Pierce Atwood, Portsmouth stated at the August 23rd TRC meeting the committee had concerns about medical waste and discharge into the ground. A public water/ sewer connection was suggested. He understands this is not happening due to financial reasons. He requests the applicant connects to public sewer.

C. Parker read from an abutter letter expressing concerns about traffic, view and construction.

Public Hearing closed.

C. Parker clarified information about the August 23rd TRC meeting. Comments were made and action was taken by the applicant. The final agreement was as long as the applicant meets state requirements and they don't impact public well supplies, TRC is comfortable with the septic revisions.

S. Haight addressed public comments: The abutting well is shown correctly on the plan. There will be no surgeries on site. Patients will be taken to the hospital for care. The setback and easement requirements have been met for the well. Septic waste: 12 beds worth will go into the Dover system and 12 will go into the Madbury system. Operations and maintenance plans for septic have been provided. Madbury has approved their part of the plan and it's been sent off to the state. To mitigate contamination: State regulations determine proper disposal of medications for these facilities.

STAFF RECOMMENDATION – Regional Impact:
The Planning Board determined that the project does not trigger Regional Impact Status, as it requires review and approval by the town of Madbury.

Motion: D. White made a motion to determine that there is no regional impact designation. Seconded by D. Ciotti. Vote U/A.

STAFF RECOMMENDATION – Site Plan:
The Planning Department recommends that the Planning Board approve the site plan with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall obtain any and all relief necessary from the Zoning Board of Adjustment.
2. The applicant shall provide:
    a. A digital version of plan set
    b. Easement documents to maintain and access septic system on the Madbury site
    c. The NHDES Septic permit number
    d. The NHDOT amended Driveway permit number
    e. Letter to Serve from Eversource
    f. Approval from the town of Madbury for the portion of the project in Madbury.
    g. A policy for product and drug usage and disposal relative to the septic system. A copy will be forwarded to Inspection Services
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 Strafford County Registry of Deeds
    b. Add LLS, PE, and Landscape Architect signatures and stamps to final plan
    c. Note state permit information
    d. Note any adjustment to the exterior lighting fixtures
    e. Integrate all plan sheets into one plan set.
    f. Note that this plan replaces the 2015 plan.
    g. Provide 2"x2" white space on lower right corner of Sheet 3

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. A Structural Engineer shall evaluate all structures and structural elements on the site certifying any damage and suitability for construction. Evaluation shall be to the satisfaction of the Building Official.
7. Access easements to maintain and the septic system on the Madbury site, shall be recorded at the Strafford County Registry of Deeds

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

8. The Building Official shall visit the site and review the structure and structural elements, after the approved structural report is submitted.

Conditions to Be Met Prior to Occupancy:

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

Motion: F. Torr made a motion to approve with staff recommended conditions. Seconded by D. White. Vote U/A.

B. Presentation of proposed revisions to Architectural Design Guidelines in the CBD

Steve Whitman from Resilience Planning reviewed the process to date, including the Visual Preference Survey and the draft changes to the tables of use and dimension.

S. Whitman gave an overview of the work done over the past four months. The Visual Preference Survey was performed in these five areas: CBD general, gateway/mixed use, residential, transit-oriented development district and streetscapes. There were 875 participants to the survey.
Next steps: the language will be refined. He will present at the all-boards meeting in January. Zoning and site plan regulation text will be revised, and all information will be gathered into a design guideline document to be utilized as a resource for applicants.

C. Parker noted the steering committee will give input to the documents as well.

Discussion occurred regarding renewable energy/ materials and whether it should be optional or required.

4. NEW BUSINESS

A. Consideration and acceptance of a Site Review for R & P Singh LLC, (Owner: Aranosian Oil Co., Inc.), Assessor's Map 15, Lot 71, zoned B-5, located at 52 Central Avenue. (Proposal is to add a drive-thru service window). *(08-09A)

C. Parker explained that the Planning Board approved a plan for Aranosian Oil at their meeting on June 10, 2008 with a condition of approval that should the owner want a drive-thru that the applicant would have to come back before the Planning Board with a revised traffic study.

The applicant appeared before Technical Review Committee twice, most recently on August 30, 2018 (minutes are attached).

The applicant was scheduled to appear before the Planning Board on October 9, 2018 but asked for continuance to finalize some items regarding the traffic study. The applicant is now ready for the Planning Board to review the amendment to create a drive-thru using the existing building.

F.X. Bruton, Bruton and Berube and R. Stowell, Tritech Engineering, reviewed the technical aspects of the plan. Mr. Bruton mentioned last year the applicant sought ZBA approval for a variance for setback which was approved. Traffic questions were raised during this planning process, so the applicant waited to present to the Planning Board until all traffic information had been gathered. They've revised their stacking and cuing from 14 down to 12 cars. A traffic study was performed and no material impact to the intersection was determined.

Mr. Stowell added that the additional peak traffic trips are 9 trips in the morning and 2 trips in the afternoon.

F. Torr made a motion to accept the application. Seconded by L. Skinner. Vote U/A

Public hearing opened. No one spoke. Public Hearing closed.

STAFF RECOMMENDATION – Site Plan:
The Planning Department recommends that the Planning Board approve the site plan with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall provide a digital version of plan set
2. The applicant must revise final plan set to:
    a. Include full set with amendments as approved marked with file number P08-09A
    b. Add the owner's signatures
    c. Include the Professional Engineer and LLS signature and stamp

Motion: F. Torr made a motion to approve with staff recommended conditions. Seconded by T. Donovan. Vote U/A.

B. Consideration and possible vote of a compliance hearing regarding the architectural renderings for a previously approved Amended Site Plan for Hellenic Realty Partners, LLC, Assessor's Map 2, Lot 119, zoned CBD-General, located at 333 Central Avenue. *(P18-04B)

C. Parker explained that the previously approved plan (P18-04) was amended on October 9, 2018. To fulfill one of the conditions of approval for the amendment, the applicant needed to come back to the Planning Board for a compliance hearing regarding architectural changes to the façade of the building.

M. Sievert, MJS Engineering, reviewed the technical aspects of the plan. He explained the minor changes made were to add arborvitaes and railing changes. The rest was architectural. The weight changes discussed at the last meeting (removing brick and adding Hardie-plank) has lightened the structure by 10%.

Public hearing opened. No one spoke. Public Hearing closed.

STAFF RECOMMENDATION:
The Planning Department recommends that the Planning Board find the application in compliance with the architectural standards with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. All conditions of approval from the October 9, 2018 meeting be met.
2. Revise the plan set to:
    a. indicate brick sidewalk
    b. Show location of transformer shown on the architectural renderings near 2 parking spaces, within a cloud
3. The architectural renderings be revised to:
    a. Screen roof mechanical equipment
    b. Screen transformer and any other mechanical equipment
    c. Indicate sidewalk to be brick

d. Change light to conform with Dover Streetscape Standards
e. Continue masonry wall and fence further up Williams Street

Motion: L. Skinner made a motion to approve with staff recommended conditions. Seconded by D. White. Vote U/A.

The board took a 5-minute break at this point. F. Torr was excused by the Chair for the remainder of the meeting.

C. Consideration and acceptance of a Conditional Use Permit for Tedeschi Contracting, LLC, Assessor's Map A, Lot 52-D, zoned R-40, located at 11 Sandy Lane. (Proposal is to replace a septic system within a wetland protected district). *(P18-62)

C. Parker explained that the applicant is requesting a Conditional Use Permit to install a new septic system within 37' of a wetland whereas 75' is required.

A letter was provided by a Certified Soil Scientist dated November 16, 2018 indicating their review of the soils for a septic system.

The Conservation Commission endorsed this item at their December 10, 2018 meeting.

Ashley Rowe, Norway Plains Associates, reviewed the technical aspects of the plan. He explained the site is a disturbed site. In the 1960s it was a wetland area that was filled to construct the development. The wetlands drop down on either side of the house site. The back yard is level with the wetlands and it floods. The static water level was 10" below the surface in the back yard. In the front yard a seasonal high water table of 41" was determined. The applicant consulted DES and their preference is to put the septic system in the front.

G. Cruikshank made a motion to accept the application. Seconded by T. Donovan. Vote U/A

Public hearing opened. No one spoke. Public Hearing closed.

STAFF RECOMMENDATION – Site Plan:
The Planning Department recommends that the Planning Board approve the Conditional Use Permit with the following conditions:

Conditions to Be Met Prior to the Issuance of a Conditional Use Permit:
1. Provide NHDES Septic System Permit
2. Owner tie into the municipal water, as proposed on the plan.

Motion: T. Donovan made a motion to approve with staff recommended conditions. Seconded by D. Landry. Vote U/A.

D. Consideration and acceptance of a Subdivision using Transfer of Development Rights for R.V. Paolini Construction LLC, Assessor's Map M, Lot 6, zoned R-40, located at 56-58 Dover Point Road. (Proposal is to construct 6 single family detached homes and 1 garage as well as a 400 ft long private roadway.) *(P18-45)

C. Parker explained that the applicant is requesting to subdivide a lot into eight (8) new lots. The parent lot would have the existing two homes remain on it and the rest would be subdivided into seven (7) new lots including six (6) single family detached homes and one garage with a dwelling unit above. The lots will be serviced by public water and sewer and accessed via an approximately 400' private road off Centennial Drive.

The Technical Review Committee review the application at its October 18 and November 29th meetings.

The applicant intends to purchase development rights for the seven (7) units. Three (3) units will be restricted to 1,000 square feet and four (4) units will be restricted to 1,400 square feet

The applicant also requests a waiver to allow the roadway width to be 20' instead of 25'. Staff believes the criteria have been addressed as described in the narrative dated October 29, 2018.

Christopher Berry, Berry Surveying, reviewed the technical aspects of the plan. There are two residences and one barn on the lot. He described the tests that have been done on the site. They want to develop a roadway and seven residential units. All units will be detached single-family homes with their own driveways and garages. He described the drainage plan and landscaping buffering and fencing.
The front two units would be subdivided off leaving the TDR plan of new units in the back. There is municipal water and sewer on site. Mr. Berry later addressed the reasoning for requesting the waiver.

G. Cruikshank made a motion to accept the application. Seconded by D. Landry. Vote U/A

Public hearing opened.
Dean Comisky, 62 Dover Pointe Rd expressed concern about paving, salt, snow, run-off to the brook, density, wildlife, location of houses on the lot, traffic. He also mentioned receiving his abutter's notice on Friday.
Public Hearing closed.

C. Parker clarified the applicant had previously pulled a building permit for the garage. Once the site plan application came in, work had to stop on the site until the application process is complete.

Mr. Berry addressed public comments regarding drainage and development layout.

Much discussion occurred among the board about the number of TDR units to approve. Additional conditions were suggested and refined.
Motion: T. Donovan moved to amend the conditions. G. Cruikshank seconded. Vote U/A

STAFF RECOMMENDATION: TDR:
Conditions to be Met Prior to Signing of the Plans:

1. TDR fees ($67,010) shall be paid.
2. Note shall be added onto the plan explaining what relief is granted.
3. Any requirements of 170-27.2 be included on the plan
4. The applicant shall note on the plan that the renderings provided shall be renumbered (unit IDs) and utilized on the site
5. The applicant shall replace the footprint for unit 7 with a footprint that is consistent with the cottage renderings

Motion: D. White made a motion to approve with staff recommended conditions. Seconded by T. Donovan. Vote passed 6-2 with K. Schuman and J. Kaspari opposed.

STAFF RECOMMENDATION: Waiver Request
Condition to Be Met Prior to the Signing of the Plan:

1. A note shall be added to the subdivision plan that the waiver from 155-48 was granted for the reasons stated by the applicant and that the Board found the criteria of 155-52 have been met.

Motion: T.Donovan made a motion to approve with staff recommended conditions. Seconded by G. Cruikshank. Vote U/A.

STAFF RECOMMENDATION: Subdivision

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 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, perimeter screening, stormwater infrastructure maintenance/operation, and deed/easement requirements per Section 170.27.2.
3. The applicant shall revise the plat to:
   a. Add the owners' signatures
   b. Add the Licensed Land Surveyor, Professional Engineer, Landscape Architect, and Wetland Soil Scientist stamps and signatures
   c. Add permit numbers and dates to the permit status notes
   d. Note that the applicant will work with Eversource on the locations of the electric meters and transformer to the satisfaction of the City Engineer

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 applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
7. Water and sewer investment fees shall be paid at the time of request of service.

Conditions to Be Met Prior to Occupancy:

8. Issuance of a Certificate of Occupancy
9. Documentation that the HOA has been created and is in place.
10. Impact fees for any new unit ($8,895 per unit) shall be paid per the invoice provided with the Notice of Decision.

Motion: G. Cruikshank made a motion to approve with staff recommended conditions. Seconded by T. Donovan. Vote U/A.

E. Consideration and acceptance of a plat for Jason Magness and Peter & Rachel Engleman, Assessor's Map 33, Lots 100 & 96, zoned R-12 and located at Iona Avenue. (Proposal is to formalize existing lots). *(P18-54)

C. Parker explained that the applicant has submitted a plan formalize an existing lot and right-of-way to comply with a building permit requirement.

S. Haight, Civilworks NE, reviewed the technical aspects of the plan.

G. Cruikshank made a motion to accept the application. Seconded by L. Skinner. Vote U/A

Public hearing opened.
Tod Trask, 10 Iona Ave gave some history of the lot. He stated construction has already started. He is concerned about the density of having two houses 20' apart and the trees cut down.
Public Hearing closed.

Mr. Haight clarified issues brought up by the abutter.

STAFF RECOMMENDATION: Subdivision
The Planning Department recommends that the Planning Board approve the plat with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall revise the plat to:
   a. Include the Licensed Land Surveyor signature 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. Move the limit of Iona line to extend to the Engelman property line.
   d. Add Planning File #P18-54

Motion: D. White made a motion to approve with staff recommended conditions. Seconded by D. Landry. Vote U/A.

F. Consideration and acceptance of a Conditional Use Permit for Kimberly Wesson Revocable Trust, Assessor's Map 8, Lot 3, zoned LBW, located at 407 Dover Point Road. (Proposal is for the repair and replacement of 113 ft. of existing granite block wall and stone revetment, with temporary tidal wetland impacts of 751 sq. ft. and 1,796 sq. ft. of tidal buffer zone and Conservation District impacts adjacent to Little Bay). *(P18-55)

C. Parker explained that the applicant is requesting a Conditional Use Permit to repair and replace 113' of existing granite block wall and stone revetment with temporary tidal wetland impacts and tidal buffer zone and Conservation District impacts as well.

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

Steve Riker, Ambit Engineering, reviewed the technical aspects of the plan. There's an existing revetment and granite wall to be replaced in kind using same materials and footprint. The project does not require a shore land permit- just the wetland permit.

G. Cruikshank made a motion to accept the application. Seconded by T. Donovan. Vote U/A

Public hearing opened. No one spoke. Public Hearing closed.

STAFF RECOMMENDATION:
The Planning Department recommends that the Planning Board approve the Conditional Use Permit with the following conditions:

Conditions to Be Met Prior to the Issuance of the Conditional Use Permit:
1. Provide a copy of the NHDES wetlands permit to the Planning Department.

Motion: T. Donovan made a motion to approve with staff recommended conditions. Seconded by D. Landry. Vote U/A.

G. Consideration and acceptance of a Lot Line Adjustment for Varney Brook Lands, LLC, (Owner: Pointe Place Development, LLC and Varney Brook Lands LLC), Assessor's Map K, Lots 19, 19-4,19-5, zoned ETP (RCM Overlay), located at Pointe Place. *(P18-61)

C. Parker explained that the applicant is requesting to proposing to adjust the right-of-way and lots along part of Pointe Place.

Kevin McEneaney, McEneaney Survey, reviewed the technical aspects of the plan. This is in preparation for the City to accept the road in January and to accommodate the utilities.

G. Cruikshank made a motion to accept the application. Seconded by D. Landry. Vote U/A

Public hearing opened.
Joe Gerrity, 40 Sierra Hill Dr is concerned about losing a portion of his lot.
Public Hearing closed.

C. Parker addressed the abutter's issue and will follow-up with him about it.

STAFF RECOMMENDATION:
The Planning Department recommends that the Planning Board 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. Add Planning file number P18-61
    b. Add common subdivision notes 8 and 15
    c. Add signature and stamp of LLS
    d. Remove the letter "E" from "Mixed Use BuildingE"

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

H. Consideration and acceptance of an Amendment to the conditions for a previously approved Subdivision Plan for TDAK & Company LLC, Assessor's Map 35, Lot 57, zoned R-12, located at 99 Sixth Street. (Proposal is to replace fence with arborvitae). *(P18-07A)

C. Parker explained that the applicant has submitted a plan to change some screening along sides of the property from fencing to arborvitae. Two abutters have submitted a letter indicated they are in favor of the change. After reviewing the amended plan, staff has drafted some minor changes as conditions of approval. All previous conditions would still need to be met meaning this amendment does not fully supersede the previous approval but would be in addition to.

Both abutters affected have supported the request.

Christopher Berry, Berry Surveying, reviewed the technical aspects of the plan. He confirmed the height of the arborvitae is six feet.

D. White made a motion to accept the application. Seconded by D. Landry. Vote U/A

Public hearing opened. No one spoke. Public Hearing closed.

STAFF RECOMMENDATION:
The Planning Department recommends that the Planning Board approve the amendment to the previously approved subdivision plat with the following conditions:

Conditions to Be Met Prior to Signing of Plans:
1. All other conditions from P18-07 shall be met.
2. The applicant shall provide a digital version of the amended plat to the Planning Department.
3. The applicant shall revise the plat to:
    a. Indicate 6' arborvitaes
    b. Extend proposed arborvitaes further north along the eastern property line
    c. Owner shall sign and date amended plat
    d. PE shall sign and stamp amended plat

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

I. Consideration and acceptance of a Minor Subdivision for Jeff White (Owner: K & R Towle Trustees and K & R Towle Revocable Trust 97), Assessor's Map J, Lot 12, zoned R-40, located at Old Garrison Road. (2 new lots) *(P18-63)

C. Parker explained that the applicant is requesting to subdivide Dover Tax Map J Lot 12 into three separate parcels to create two new lots. The new lot areas would be 1.0419 acres and 0.9490 acres with the remainder of the parent lot to be 15.4139 acres. The new lots meet the frontage and area requirements.

As this is a minor subdivision, it did not go before the Technical Review Committee.

The application is for a lot that is on a Class VI road, which is also a Scenic Roadway, thus there are some conditions and elements not normally found on a minor subdivision.

The applicant is requesting a waiver from Section 155-28 to allow the plat to be reviewed by the Planning Board without certain topographic, wetland, and other required site features over the entire parent parcel.

Typically, staff would support such a waiver request if a reference plan shows the missing information and is listed on the plat before the Board.

Doug La Rosa, Ambit Engineering, reviewed the technical aspects of the plan.

D. Ciotti made a motion to accept the application. Seconded by D. Landry. Vote U/A

Public hearing opened. No one spoke. Public Hearing closed.

STAFF RECOMMENDATION: Waiver Request
The Planning Department recommends that the Planning Board approve the waiver request with the following condition:

Condition to Be Met Prior to the Signing of the Plan:
1. A note shall be added to the subdivision plan that the waiver from 155-28 was granted for the reasons stated by the applicant and that the Board found the criteria of 155-52 have been met.

Motion: L.Skinner made a motion to approve with staff recommended conditions. Seconded by T. Donovan. Vote U/A.

STAFF RECOMMENDATION: Subdivision
The Planning Department recommends that the Planning Board approve the subdivision plan with transfer of development rights with the following conditions:

Conditions to Be Met Prior to Signing of Plans:
1. Provide:
    a. Copy of NHDES Subdivision Permit to Planning Department and amend plan note to add permit number.
    b. Updated current use plan to the satisfaction of the City Assessor
    c. Sample language to the City for inclusion in deeds created for these lots that acknowledge that the lots are on a Class VI roadway and Scenic Roadway, and the limitations/regulations required as such.
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 #P18-63
    d. Indicate electric utilities
    e. Add tax map and lots per Assessing Office
    f. Note trail easement or provide additional information
    g. Add common minor subdivision notes: 7, 10, 12, 14, 15, 16, 25, 26, and 27
    h. Note shall be added to the plat that lots shall comply with the requirements of 170-28.4 (C) and Chapter 143 (Scenic Roads)
    i. Note shall be added to the plat that no cutting or removal of trees or tearing down or destruction of stone walls, or portions thereof, along the right of way without the written consent of the City Council per Chapter 143
    j. Note shall be added to the plat that should the City Council approve the removal of a portion of a stonewall, the stones taken from the original wall shall be reused on the property to rebuilding deteriorated portions of the remaining wall

k. Note shall be added to the plat that the municipality neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof

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

3. The City Council after review and comment by the planning board shall vote to authorize the issuance of building permits for the erection of buildings
4. The building permit applicant shall certify they understand the municipality neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof
5. The applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds

Conditions to Be Met Prior to Occupancy:

6. Issuance of a Certificate of Occupancy.
7. Impact fees for new dwelling unit shall be paid per the invoice included with the Notice of Decision.
8. The applicant shall provide proof that the deeds for the lots contain the acknowledgment that the lots are on a Class VI roadway and Scenic Roadway, and the limitations/regulations required

Motion: T. Donovan made a motion to approve with staff recommended conditions. Seconded by D. Landry. Vote U/A.

5. STAFF COMMENTS

- TRC occurred for three projects, a residential project on Maple St, the Paolini project tonight and Broadview veterinary clinic since the last meeting
- Meet and Greet is January 8th, and we'll have goal setting and election of officers afterwards.
- A court case was presented to the board members for review

6. MEMBER COMMENTS

- L. Skinner suggested the board review the TDR process sooner rather than later.
- D. Ciotti mentioned abutters seem to not be receiving their notices timely. C. Parker explained the process used is currently above and beyond the state requirement. They are sent certified mail which requires a signature so often on second attempt a note is left for the resident to come pick it up at the post office. Discussion occurred regarding sending a first-class letter or postcard.
- D. Landry noted often the 'quicker items' seem to be at the end of the agenda and wondered if that could be rearranged. Discussion occurred regarding having a consent calendar for smaller topics without public hearings.
- K. Schuman thanked the board members for their professionalism over the years.

7. ADJOURNMENT

Motion: G. Cruikshank made a motion to adjourn at 11:00pm. Seconded by D. White. Vote U/A