

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, February 12, 2019**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Dave White, Lee Skinner, Tristan Donovan (Vice Chair), Dennis Ciotti (Councilor), Hayley Harmon, Dave Landry,

Members Not Present: James Burdin (Alternate), Frank Torr, Tom Clark, Matt Sullivan (Alternate), Jackson Kaspari (Alternate)

Staff Present: Christopher Parker, Assistant City Manager; Dave Carpenter, Community Development Planner

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

1. CITIZENS' FORUM

Citizens Forum Open. No One Spoke Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- January 22, 2019 Regular Meeting Minutes

Motion: T. Donovan made a motion to approve the minutes as submitted. Seconded by D. Ciotti. Vote: All in favor with D. Landry abstaining.

3. OLD BUSINESS

- A. Discussion and possible vote on the FY20 Community Development Block Grant (CDBG) Action Plan.

Motion: T. Donovan made a motion to remove the item from the table. Seconded by D. White. Vote U/A

C. Parker gave a quick overview of the CDBG process.

D. Carpenter, Community Development Planner reviewed the allocations and the funding protocols as well as an adjustment that has been made since the board last reviewed the plan.

C. Parker reviewed the next steps in the process.

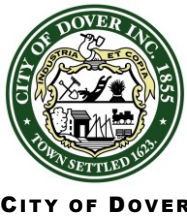
Motion: L. Skinner made a motion to Adopt the Action Plan. Seconded by D. Landry. Vote U/A

4. NEW BUSINESS

- A. Consideration and acceptance of a Minor Lot Line Adjustment for Tam and Nancy Doan, (Owners: Tam & Nancy Doan and 6 DPR Realty, LLC of the Pilgrim Plaza Condominium), Assessor's Map K, Lots 30-M-3 & 18-2, zoned B-3 & R-12, located at 6 & 16 Dover Point Road. *(P19-10)

C. Parker explained that applicants are requesting to adjust the common boundary between their lots. Map K lot 30-M-3 will be enlarged by 2.32 acres. Both new lots would meet the zoning requirements with the exception of the existing frontage of map K/30-M-3 which is not changing.

Joel Runnals, Norway Plains Associates, Inc, reviewed the technical aspects of the plan.



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D. Ciotti inquired about access. C. Parker said if there's any proposed development, access would be reviewed. D. Ciotti asked if any of the new lot area is required for upland to the other property? No, it was not part of his required upland.

Motion: L. Skinner 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 155-8 of the City Code provides for lot line adjustment review by the Planning Board. The Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve the Lot Line Adjustment 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 P19-10
 - b. Revise note 4 to add the calculation proving the amount of contiguous uplands comprises of 40% or less of wetland buffer of the minimum lot size requirement
 - c. Correct tax map and lot numbers
 - d. Add common subdivision notes 2, 5, 10, 13 & 14
 - e. Add signature and stamp of LLS
 - f. Relocate the zoning boundary be tied to the property line, the boundary shall be revised

L. Skinner wondered about the topography and the future use of the property but has no current objections.

D. Ciotti inquired about why the new lot wasn't added to the B3 zone and change the existing line.

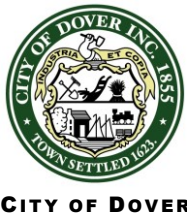
C. Parker said the zoning there requires a certain depth from the line rather than the boundary line itself. A condition can be added- if the zoning boundary is on the lot line it should be updated on the plan.

Motion: H. Harmon made a motion to approve with staff recommended conditions including adding condition f. Seconded by D. Ciotti Vote U/A.

- B. Consideration and acceptance of a Transfer of Development Rights for Thomas C. Strange, Assessor's Map 24, Lot 75, zoned CBD-Gateway, and located at 96 Portland Avenue. (Proposal is to purchase two additional units using TDR so the site would contain a total of 4 units). *(P19-07)

C. Parker explained that applicant is seeking to purchase two units through the TDR program to create 4 on a lot along Portland Avenue, which has a mixture of 2, 3 and 4 family units. The sketch layout shows a new duplex being built on a site with an existing duplex totaling four units if the Board approves the plan.

Chapter 170-27.2 of the Zoning Ordinance allows for developments to buy additional units through the process of Transfer of Development Rights. The process allows the applicant to come to the Board with a concept sketch. Since the applicant is requesting an additional duplex, full Planning Board review is not applicable and therefore the Planning Board should only act on the request for the additional unit and the applicant would not need to come back before the Board with a full site plan. Should the Board find the request is in keeping with the intensity and density of the neighborhood, then it should grant the additional units.



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Chris Berry, Berry Surveying and Engineering, reviewed the request highlighting access, street-scape and removal of 2nd entrance. He has not yet done a detailed site plan since this is just a hearing for the extra units, but if approved, that will be forthcoming. He discussed the design and placement of the structure. Land use research shows many other lots in the area with four units on 12,000 square feet. Regarding an abutter concern- no dumpster proposed on site- a private company would pick up the trash.

Motion: D. White made a motion to accept the applications. Seconded by D. Ciotti. Vote U/A.

Public hearing opened.

D. Kozlowski representing Krystian Kozlowski 94 Portland Ave referred to a letter presented to the board. He remarked that there is a public park behind these lots. If this passes, this will set precedent and others will build back there near the park. Trash bins are not good for multi-plexes. They end up on the street and fall over.

Jay Spellmeyer, 90 Portland Ave expressed concerns about parking. With 4 units there might be 8 cars plus visitors. Where will they all park? There's no space. Traffic on Portland Ave and the parking on the street will cause worse traffic. There are many single-use and duplexes, but no 4-units. The neighborhood is changing with a 32-unit going in. The density is increasing. This lot will become just buildings and parking with no green space. He is concerned about fire trucks getting in and out. This would be the largest structure near the park. He understands this conforms with the plan of increasing density in urban areas while keeping open space, but this neighborhood is now changing to an urban area.

Barbara Murphy 90 Portland Ave said this property abuts Hancock Park and wants that to remain safe. She is concerned about the driveway meeting fire requirements. Utility meters would need to move. There is a 1850 cape next door that has been restored. It is a multi-family, but you can't tell- it's still small. There's been an abandoned car on that property for the past year or more. This reflects the care of the current property. The streetscape would be a nice addition. She is concerned about the added density. She asked the board to look at the property to see how squished the added structure would be back there. She inquired what the next process would be if this is granted.

Jay Spellmeyer, 90 Portland Ave asked how long the current owner has owned the property. He is concerned about the care of the property due to the abandoned car.

Public Hearing closed.

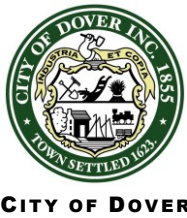
The property has been owned for less than 6 months.

C. Parker said everyone is allowed one unregistered car per the regulations. Staff is aware of these issues. Anyone could add another structure on this property. The reason this is before the board is the use of the units in the structure. The board can focus on if this meets the density of the area to purchase the extra units. If granted this will go before technical review to iron out the details.

C. Berry stated there hasn't been anything brought up tonight that can't be worked out in technical review.

C. Parker addressed parking. Visitors are expected to park on the street.

D. Ciotti would like to add sidewalk where the curb cut is removed. Also, bollards would need to be added in front of the utilities if they remain in that location.



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D. White reiterated this is not a site plan approval. The board should not get bogged down with those details and focus on if these two units are justified for the area. Most buildings in the area have two units and some have more. This seems to fit in with the area as it grows.

D. Ciotti said since the site plan conditions are already listed in the staff recommendations, aren't we crossing the line into site plan review?

C. Parker said we could remove conditions on the approval of the number of the units but keep them for conditions of site plan approval.

T. Donovan said this looks like it will fit in the area and meets the TDR requirements.

L. Skinner asked for clarification on the location of the eliminated driveway cut.

D. Ciotti said the board has to take in the concerns of the abutters. Is there a way to make sure those comments are relayed, since Planning Board is not at TRC.

Discussion occurred about site issues and whether those conditions should be listed for this approval. The staff will take the recommendations of the board that the following items be reviewed as part of a TRC:

- a. Widen the driveway to the right to be 20' wide
- b. Assign parking spaces to units
- c. Show additional street trees where left-hand driveway exists today
- d. Loam and seed the parking area to the left of the building
- e. Eliminate extra curb cut and extend the sidewalk
- f. Street trees have been planted

There was consensus that these items should be in place and have been represented by the applicant.

D. Landry stated the Planning Board allows these density and neighborhood changes to occur. Sometimes we don't have a say but often we do. We've done site walks before and suggested it for this project.

L. Skinner said if we approve this, the other properties on that street will come in with the same request. We have to be prepared for that if we start down this path.

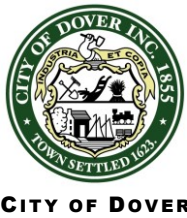
C. Berry said this application reflects this site specifically. If others come forward with requests, they each need to be determined on an individual basis.

T. Donovan believes that, yes, the point of all of this is to create more density in this area.

L. Skinner said not all change is progress. Maybe it's ok but we have to look where we are headed in the future.

G. Cruikshank said we have to weigh the rights of the property owners as well.

C. Parker reviewed the progress made so far in the TDR process. A review of this process will occur later this year and these are the discussion points we should have at that review.



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Motion: D. Landry moved to table the discussion for a site walk. L. Skinner seconded.
Vote did not pass 2-5

STAFF RECOMMENDATION:

Chapter 170-27.2 of the City Code provides for the sale of development units through the Planning Board, if the density and intensity are consistent with the neighborhood. The Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve the 2 units with the following conditions:

Conditions to be Met Prior to Granting the TDR:

1. Payment of the TDR fee (\$26,804)
2. Revise the plan to note what relief is granted
3. Any requirements of 170-27.2 be included on the plan.

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

4. Technical Review Committee reviews the plan set for administrative approval
5. 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

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

Motion: D. White made a motion to approve with staff recommended conditions including the adjusted condition 4 to reflect "plan set". Seconded by D. Ciotti. Vote passed 6-1 with D. Landry opposed.

C. Presentation by Lee Skinner on Open Space Subdivisions

L. Skinner presented his review of the Open Space Subdivisions in Dover.

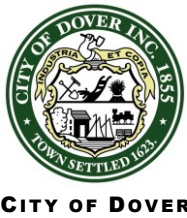
D. White noted that Mr. Skinner had some valid points, but overall, he is in favor of open spaces. He showed an example on the map. Open space is still viable over regular subdivisions.

T. Donovan agrees that some of the requirements are not utilized and the requirements could be tweaked, but he is in favor of the open space subdivision. Any buffer space around a subdivision is a benefit.

D. Landry said there is great variation between the subdivisions that use the open space well and meet the requirements and those that don't. We need to be tougher with granting some of these Conditional Use Permits.

C. Parker explained that the example subdivision that's been mentioned has such great public access because when it was created, bonus units were given if that access to open space was included. Public access is often underutilized. A purpose of the open space is to protect wildlife but if you open the space to the public, the wildlife is no longer protected.

Abutters are much better served by an open space subdivision rather than a conventional.



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Also, the Planning Board has the right to dictate where the open space is located. If a plan doesn't adequately meet the Board's standards, send the applicant back to revise.

We should be tweaking our regulations regularly. The Board members should look through the ordinance and come back with suggestions of what should be tweaked. Density bonuses could be added back in with more weight given to certain open space criteria.

L. Skinner suggested to eliminate purposes 2-8 and clarify purpose 1 to state: Create areas of open space.

C. Parker will send a word document of Open Space Subdivision regulations 155 20-23 to the Planning Board members for individual review. They will send their suggestions and possibly hold a workshop meeting to discuss.

Items D, E and F were heard together but voted on separately.

- D. Consideration and possible posting of amendments to Chapter 170, entitled "Zoning Ordinance" of the code of the City of Dover. Amendments include definitions, floodplain reference, HR footnote, fee schedule, and fence height. The full text of the amendments is available in the Planning Department and at www.dover.nh.gov located under City Documents & View Current City Reports.
- E. Consideration and possible posting of amendments to Chapter 149, entitled "Site Review Regulations" of the code of the City of Dover. Amendments include stormwater infrastructure third party review, definition of medical use, and landscape requirements. The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under City Documents & View Current City Reports.
- F. Consideration and possible posting of amendments to Chapter 155, entitled "Subdivision of Land" of the code of the City of Dover. Amendments include the TRC submission, ownership of Open Space, location of standard road cross sections, and landscape requirements. The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under City Documents & View Current City Reports.

C. Parker reviewed the proposed subdivision amendments.

Discussion ensued.

Motion: D. White made a motion to post the zoning amendments. Seconded by D. Ciotti. Vote U/A.

Motion: D. Ciotti made a motion to post the amendments to Chapter 149, adding the term "of the public infrastructure" to items 1. Seconded by H. Harmon. Vote U/A.

Motion: D. Ciotti made a motion to post the amendments to Chapter 155. Seconded by D. White. Vote U/A.

5. STAFF COMMENTS

- TRC: the Little Bay Marina Project, First Street project, a project on Fourth Street, a subdivision on Back River Road. They heard a concept review for a sports dome on Littleworth Rd. The State will weigh in first because of the road.
- CWDAC approved the Waterfront term sheet between the City and the developer, Cathartes. DHA is reviewing next week, and the Council in 2 weeks.



CITY OF DOVER

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- The 25th Annual Spring Planning and Zoning Conference will be held on Saturday, June 1, 2019, at the Grappone Conference Center in Concord, NH. Information will follow.
- Regarding emails that come to the full Planning Board: Donna and Chris see those emails and will respond. No discussion can occur among board members. Staff will not usually respond to all.
- C. Parker will discuss weather issues with the Chair on board meeting nights and cancellations will occur by 1pm.
- Lot merger form for Dermatology Skin Health

Motion: D. White made a motion to allow the Chair to sign the document. Seconded by T. Donovan.
Vote U/A

6. MEMBER COMMENTS

L. Skinner thanked Mike Gillis for his assistance tonight.

7. ADJOURNMENT

Motion: T. Donovan made a motion to adjourn at 9:37 pm. Seconded by D. White. Vote U/A