

DOVER PLANNING BOARD – MINUTES

REVISED

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

Members Present: Gina Cruikshank (Chair), Dave White, Lee Skinner, Dennis Ciotti (Councilor), Hayley Harmon, Dave Landry, Jackson Kaspari (Alternate), Matt Sullivan (Alternate), James Burdin (Alternate), Frank Torr, Tom Clark

Members Not Present: Tristan Donovan (Vice Chair)

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

The Chair called the meeting to order at 7:00 pm. She noted James Burdin is sitting in for Tristan Donovan.

1. CITIZENS' FORUM

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

2. APPROVAL OF THE PRIOR MINUTES

- February 26, 2019 Regular Meeting Minutes

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

3. OLD BUSINESS

None

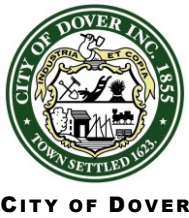
4. NEW BUSINESS

J. Burdin noted that items A and B will be heard together.

- Consideration and acceptance of a Conditional Use Permit for First Street at Garrison, LLC, Assessor's Map 6, Lots 3-1 & 9, zoned CBD-General, located at First Street. (Proposal is to allow 68% of frontage build out where 70% is required, allow proposed buildings with combined footprint of 31,673 sq. ft. resulting in a lot coverage of 37% where 75% is required and allow a fence to be installed along retaining wall where a street wall is required). *(P18-23)
- Consideration and acceptance of a Site Review for First Street at Garrison, LLC, Assessor's Map 6, Lots 3-1 & 9, zoned CBD-General, located at First Street. (Proposal is to re-use the existing building and construct three new buildings. The proposed 5 story building would have 24 two bedroom units and 8 one bedroom units also containing 3,729 sq. ft. of commercial space and 6 covered parking spaces. The second building would contain 3 one bedroom units and the third building containing 2 one bedroom units. Proposed onsite are 48 open air parking spaces.). *(P18-25)

C. Parker explained that applicant has applied for a Site Plan review and Conditional Use Permit for approval for phase II of the development along the Cochecho River, which began in 2014. It will construct a mixed use building with commercial on the first floor and limited in building parking, along with residential units above. The existing surface parking lot around 24 Chestnut Street will be enhanced and two smaller residential buildings along the Cochecho River will be created.

The plan enhances the walkway from Chestnut Street through the site to connect with the sidewalk enhancements along First Street the developer created with the Phase I project. 54 parking spaces are on site, with an additional 30 spaces within the Dover Transportation Center lot.



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This application was reviewed by the Technical Review Committee in June of 2018 and again February 7, 2019 (minutes attached).

In designing the site, the buildings cover a significant portion of the frontage, as required, however relief is required. Additional relief is required for the lot coverage, to ensure proper onsite traffic flow and parking for customers.

Finally, to be consistent with Phase I where a fence was installed, the applicant seeks to use a wrought iron fence along the retaining wall along First and Chestnut Streets

The applicant submitted narratives explaining how they meet the criteria of 170-20.B(2).

Kevin McEneaney, McEneaney Survey, and Steve Haight, Civilworks reviewed the proposed plan and CUP. The first floor will be commercial, and four floors above will be residential with 32 units. The other two buildings are on the river. They are 1 ¾ stories and contain a total of five units. Parking will include 48 open air spaces and six covered spaces for a total of 54 which is under the maximum allowed.

They are seeking three CUPs tonight:

- 37% lot coverage where 75% is required
- 57% frontage where 70% is required
- Wrought iron fence on top of the retaining wall where a street wall is required

Steve Haight, Civilworks stated the entire site is paved now and has catch basins. That drainage will be maintained. He described the drainage details.

F. Torr wondered about the utilities and how to manage not digging up the new street or making sure it is replaced back to its current state. S. Haight said they don't need any additional utilities run for their project. C. Parker clarified the City has been notified by Eversource that there is a concern of having enough power for that area downtown and they would like to reroute their line to service First St. The City wants to get everyone involved in these multiple projects on the same page to do the upgrade once and do it right.

D. Ciotti inquired where public access to the boat launch will be. S. Haight described the access.

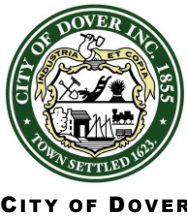
D. Ciotti inquired about space for an ambulance between the new buildings. S. Haight addressed this by showing the plan with 18' between buildings and stating the ambulance can fit. The Fire Department has stated the trucks will stay on the roads and the sprinkler system has been engineered to satisfaction. Deeded access was discussed. K. McEneaney stated there will be no deeded public access. The public will be allowed though.

L. Skinner asked for reasoning for not meeting the minimum requirements. K. McEneaney stated meeting the 75% coverage requirement could never be met and still provide parking and landscaping. Also, there is a sewer line in the way on this property.

C. Parker said the City is considering changing that requirement.

D. Ciotti made several comments about the project not fitting in with the character of the neighborhood. He wondered why so much parking was allowed out front facing the water.

C. Parker clarified the City worked with the applicant to allow as much parking as possible since spaces on First St are already tough to acquire. The City also wanted to meet handicap parking requirements so there is an accessible space out front. What is presented is less parking than what was originally proposed.



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The garage doors do not look ideal, but there have been many iterations of them and what's proposed works best. They can't be on First street, the garages need to be in a location that functions for the driver, and when the garage locations are moved, that affects the interior layouts as well.

S. Haight further commented this layout works for egress and handicap access. Originally the parking was going to be open-air, but they put the doors on to get the façade look.

L. Skinner mentioned the architectural design and again asked, do the garages have to be there? Can we make sure they are more camouflaged and not highlighted, perhaps with paint color?

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

Public hearing opened.

Duncan Maccallum, attorney 536 State St Portsmouth was present representing Brian and Stephanie Fisher – owners of Ear Craft Music, 432 Central Ave on the corner of First St and Central Ave.

They are opposed to all three requests. There was an agreement made when the project started that the parking on the street was going to be for restaurants which have not yet gone in and don't seem to be going in looking at the plan. Having these spaces taken away from the Ear Craft Music customers has harmed the business. People are not willing to park in the parking garage and lug their instruments to the store. If these requests are granted to the applicant tonight, those parking spaces should be given back to the public. The Applicants haven't honored their obligations: restaurants have not gone in and construction progress has been slow. He stated the Applicant has run out of money and is trying to get as many concessions approved as possible before flipping the project to another developer.

Public Hearing closed.

C. Parker stated this board was not part of the parking agreement. That agreement is with City Council. Those spaces were paid for and taxes are being paid on them.

He explained the agreements as best he could remember from when it was passed five years ago.

K. McEneaney stated there was nothing specific agreed to about restaurants. They would like to have restaurants in there. They built in grease traps for that purpose. There is still space for restaurants, but they are hard to get as tenants because of the cost to the first tenant to fit up the space.

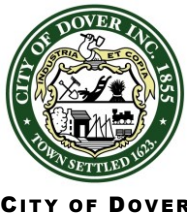
Landscaping was discussed and S. Haight stated the landscape architect is working on the plan. Parking and the Parking Commission were discussed.

H. Harmon asked if there is a need for the garage in the back of the building? K. McEneaney said yes, parking is the lifeblood of the residential units. The six spaces will be assigned to specific units.

STAFF RECOMMENDATION: CUP

Chapter 170-20-B of the City Code provides for relief from the requirements of the Central Business District zone by the Planning Board. The Planning Department believes this plan is consistent with those provisions and recommends that the Planning Board vote to grant the Conditional Use Permit with the following conditions:

Conditions to Be Met Prior to Issuance of a Permit:



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

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

STAFF RECOMMENDATION: Site Review

Chapter 170-20-B of the City Code provides for relief from the requirements of the Central Business District zone by the Planning Board. The Planning Department believes this plan is consistent with those provisions and recommends that the Planning Board vote to grant the Conditional Use Permit with the following conditions:

STAFF RECOMMENDATION:

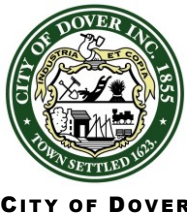
The Planning Department recommends the Planning Board to accept the application, open the public hearing, and vote to approve the Site Plan with the following conditions:

Conditions to Be Met Prior Signing of Plans:

1. The conditional use permit (P18-23) shall be approved.
2. The applicant shall provide:
 - a. A digital version of plan set
 - b. Reciprocal access easements for First Street at Garrison, LLC and First Street at Chestnut, LLC
 - c. Letter from Eversource regarding ability to provide service
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. Include all sheets in one set.
 - d. Revise the elevations to indicate materials for garage doors, and soften the impact on the view from the river
 - e. Add a note relative to the reciprocal access easements
 - f. Add a note that any roof mounted mechanicals will be screened, and that the roof will not be publicly accessible
 - g. Revise note C19 on Sheet 5 to refer to sheet 15 for details
 - h. Revise note 34 on Sheet 3 to include NH RSA 155-A;5
 - i. Revise all notes relative to retaining walls to read 48" not 74"
 - j. On Sheet 7 update the location of electrical and gas service
 - k. Add additional landscaping around the dumpster and in front of the doorway to 24 Chestnut Street; indicate that whiskey barrels or similar planters will be installed from April 1 to December 1
 - l. Provide a narrative about snow storage
 - m. Revise the rendering of the "cottages" correcting the scale and indicate realistic landscaping along the river bank
 - n. Add a note that any utility work in a City ROW will conform with Chapter 152 of the Code.

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.



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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. Agree with the City on the status of the Chestnut Street sidewalk that is upon the parcel.
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. Complete the resolution with the City, for the Chestnut Street sidewalk that is upon the parcel.
9. Issuance of a certificate of occupancy.
10. Impact fees 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: T. Clark made a motion to approve with staff recommended conditions including 3n. Seconded by D. White Vote U/A.

- C. Consideration and acceptance of a Conditional Use Permit for Michael & Sandra Hodge, Assessor's Map 25, Lot 66-1, zoned R-12, located at 1 Deer Creek Run. (Proposal is to gain relief from a wetland setback to accommodate a two car garage addition to current house). *(P19-13)

C. Parker explained that applicant seeks to construct a two car garage addition to the current house with a total net of 177 s.f. of wetland buffer impact.

The Conservation Commission endorsed this item at their February 11, 2019 meeting with the condition that the applicant use a stormwater technique that infiltrates the runoff from the increase in impervious area. The applicant submitted additional information on February 22nd, including a revised plan that incorporates a rain barrel, dripline infiltration and a reconfiguration of the storm gutters into a vegetated swale, along with a NH residential loading model calculation from the NHDES Homeowner's Guide to Stormwater Management. The result is a decrease in stormwater volume.

The proposed Best Management Practices are: a rain barrel, dripline infiltration and storm gutter reconfiguration. You can see the proposals on Figure B, provided by the applicant.

Mike Hodge, owner reviewed the request. They will be reducing the run-off by 48% with the new design.

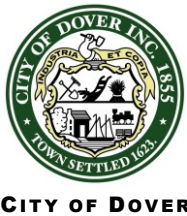
Motion: F. Torr made a motion to accept the application. Seconded by D. White. Vote U/A.

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

STAFF RECOMMENDATION:

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, and staff recommends approval with the following conditions:

Conditions to Be Met Prior to Issuance of a Permit:



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1. The applicant shall provide proof to the Planning Department that the stormwater management BMP's have been installed.

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

- D. Consideration and acceptance of a Lot Line Adjustment for the City of Dover, Assessor's Map 22, Lots 1 & 42, zoned CWD, located at 31 River Street and Towne Drive. *(P19-18)

C. Parker explained that the applicant has applied to adjust the Lot Line between two properties it owns. 7.63 acres would be conveyed from lot 22/1 to lot 22/42 and 1.82 acres would be conveyed from lot 22/42 to lot 22/1. Both new lots would meet the zoning requirements.

RSA 674:54 provides for Planning Board review of governmental land uses and nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations. This is a City lot line adjustment on a parcel owned by the City of Dover.

J. Burdin stated he lives on Martin Ln. He is not a direct abutter but lives in that area. He does not see any conflict of interest with hearing the case.

Steve Bird, City of Dover, representing the owner reviewed the proposed plan.

A remedial action plan (RAP) addresses environmental issues. This lot split will keep the waterfront parcel separate which is preferred for the RAP. This adjustment would also put the dredge cell entirely on the Maglaras Park parcel and not on the waterfront parcel. The RAP will not have to address the dredge cell once it is not part of the waterfront parcel. City Council approved a resolution authorizing the City Manager to accomplish this lot line adjustment.

A waiver request is proposed to not show the survey of the entire Maglaras Park parcel. There is a copy in the board packets from 1991. There is also a letter in the packet from the surveyor explaining why the waiver is justified. There are no issues with the conditions for approval.

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

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

STAFF RECOMMENDATION:

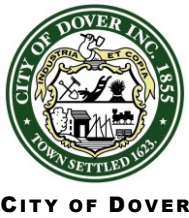
Chapter 155-18 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. The Planning Department believes this plan is consistent with those provisions and recommends that the Planning Board vote to grant the Conditional Use Permit with the following conditions:

Motion: J. Burdin made a motion to approve the waivers. Seconded by D. Landry. Vote U/A

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 P19-18
 - b. Add signature and stamp of LLS

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



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E. Consideration and acceptance of an Amendment to the conditions for a previously approved Subdivision Plan (07/25/17) for Scott M. Coughlin, Assessor's Map I, Lot 94B-2, zoned, zoned R-40, and located at 5 Hidden Valley Drive. (Proposal is to change the location of the driveway from Piscataqua Road to Hidden Valley Drive. This amendment was previously approved but expired before conditions of approval were met). *(P17-41B)

C. Parker explained that applicant is back before the Board with the same request since he did not meet the deadline for addressing the conditions of approval and the approval has since expired. The applicant is again requesting to amend the previously approved subdivision plan so that there is not a shared driveway (which was a condition of approval) but that instead have one driveway off of Hidden Valley Drive.

The original plan was signed on December 12, 2017 and has been recorded at Strafford Registry of Deeds.

Brenda Kolbow, TF Moran represented the owner and reviewed the request.

Previously they were not aware of the conditions of approval and time ran out before they realized it. This is the same application that was presented last time.

D. White wondered what the address will be. It will be 5 Hidden Valley Drive

D. Ciotti wondered if the new house has to be part of the HVD association? The owner stated the road is not part of the subdivision and C. Parker said that has all been worked out between the parties.

Motion: 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:

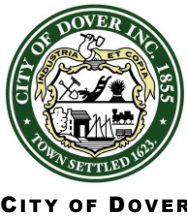
Chapter 155-15 of the Land Subdivision Regulations of the City Code provides for subdivisions of existing lots. The Planning Department believes this plan is consistent with those provisions and recommends that the Planning Board vote to grant the Conditional Use Permit with the following conditions:

Conditions to Be Met Prior to Signing of 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 easement between map I lots 94-B and 94 B-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.
 - f. Add planning file number P17-41B to the plan

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

F. Consideration and acceptance of an Amendment to a previously approved Site Plan (11/17/16) for Summit Land Development (Owner: 7th South LLC), Assessor's Map 15, Lot 4, zoned B-5, located



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at 14 Central Avenue. (Amended proposal is to construct a 2,400 sq. ft. eating and drinking establishment). *(P16-24B)

C. Parker explained that applicant came before the board on October 25, 2016 with a plan for the site including a concept for a coffee shop. Condition of approval 7C stated that once a tenant is secured, if there are any site changes (lighting, parking, etc.) that the applicant shall return to the Planning Board to amend the site plan of the 3,000 s.f. building footprint which is for the coffee shop, drainage, and site layout purposes only. Therefore the applicant is before the Board again.

The applicant also came and got an administrative approval for an amendment for a medical office in June 2018. This amendment reduced the square footage of the larger building from 13,000 to 10,000 square feet.

This application was review by the Technical Review Committee on February 28, 2019 (see attached minutes).

Steve Haight, Civilworks represented the applicant and reviewed the site plan and proposed use. They are adding a rectangular box on the road stating not to block the intersection.

Motion: 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.

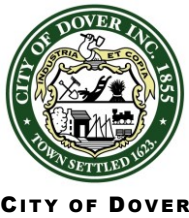
STAFF RECOMMENDATION:

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. The Planning Department believes this plan is consistent with those provisions and recommends that the Planning Board vote to grant the Conditional Use Permit with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. All previous conditions of approval from P16-24 and P16-24A shall apply including water and sewer investment fees and impact fees.
2. The applicant shall supply documentation from Eversource that it approves the changes to the site plan and has the capacity to serve.
3. The applicant shall revise the site plan to:
 - a. Add "DO NOT BLOCK INTESECTION" signs and pavement markings at the intersection on the site and in the southbound left turn lane for Charles Street approach
 - b. Add note, and signage to the site, that drive-thru hours are limited to 6am to 9pm per Section 149-15.G.
 - c. Add stacking signage to drive-thru stacking lane, and at the intersection with the main travel way into the site
 - d. Include order board on site layout plan (approximately 2 cars back from the window)
 - e. Include revised architectural drawings confirming building colors
 - f. Provide a streetscape
 - g. Show Fire Department Connection on the building
 - h. Change "Building Inspector" to "Building Official"
 - i. Revise note 22 on sheet for to add RSA 155-A:5.

Conditions to Be Met Prior to Occupancy:



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4. All signage, noted in 3 and pavement marking shall be installed

Stacking was discussed.

Chad Kageliery, owner, stated architectural themes and branding were not up to him as the owner. Dunkin has its own colors and marketing.

L. Skinner stated the board has learned that Dunkin has several versions of their building- not just one.

C. Parker commented that this design actually does fit the site. He listed several neighboring structures with flat roofs.

D. Ciotti wondered why the time constraints were put in place. There is a 24-hour medical facility next door that would utilize this business.

C. Parker stated the time restriction is for the drive-thru lane only. The business can be open any hour.

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

5. STAFF COMMENTS

- TRC: The Little Bay Marina Project, Old Courthouse on First Street.
- In the packets was the 2019 review of the Master Plan accomplishments, a bulletin on conservation properties and info on an education session April 16th and an update of parking capacity downtown.
- Dover was featured in Business NH Magazine March issue for designing the community to be a growth center

6. MEMBER COMMENTS

L. Skinner:

- Could Senator Waters come in to explain why Rt 108 hasn't been fixed
- Lot coverage regulations should take into account existing easements
- Construction noise signs have been discussed, but they are hard to implement

Dave Landry asked if the Planning Board will hear any cases surrounding the Tri-City Rt 108 project.

C. Parker said probably not. Future meetings will be held in more accessible locations for public to attend.

J. Burdin asked if the Planning Board will see proposals for the exit 6 rest stop.

C. Parker is expecting local, state and federal permits to be acquired.

7. ADJOURNMENT

Motion: F. Torr made a motion to adjourn at 9:42 pm. Seconded by H. Harmon. Vote U/A