

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, April 23, 2019**
Meeting Time: **7:00 pm**

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

Members Not Present: James Burdin (Alternate)

Staff Present: Christopher Parker, Assistant City Manager

The Chair called the meeting to order at 7:00pm and announced Jackson Kaspari was elevated to regular member and welcomed new alternate Ellen Brooks.

1. CITIZENS' FORUM

Citizens Forum Open No one spoke. *Citizens Forum Closed.*

The Chair announced that Items 5H and 5I would not be heard tonight, and have asked to continue until May 28th.

C. Parker suggested that the Board suspend the rules to discuss a potential site walk for the item, in case there are abutters present.

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

H. Consideration and acceptance of a Site Review for Little Bay Marina & Development, LLC, Assessor's Map 8, Lots 9, 10, 11, & 12, zoned LBW, located at 421, 423, 425, and 427 Dover Point Road. (Proposal is to develop a condominium containing 23 units plus marina/marina office with 1 ADU and 27 parking spaces. This project has TDR approval from the Planning Board). *(P19-04)

I. Consideration and acceptance of a Conditional Use Permit for Little Bay Marina & Development, Assessor's Map 8, Lots 9, 10, 11, & 12, zoned LBW, located at 421, 423, 425, and 427 Dover Point Road. (Proposal will impact 2,304 sq. ft. of non-tidal wetlands, the total area of the 100' tidal buffer is 58,203 sq. ft. and the 50' buffer area to be impacted will be 15,579 sq. ft.). *(P19-05)

C. Parker noted that the Conservation Commission is holding a site walk for the application which the Planning Board is welcome to attend. The proposed dates are April 30, May 2 or May 7th. The applicant will stake the wetlands buffer, edge of the Conservation District and the roadway centerline.

Motion: F. Torr made a motion to continue both items until May 28th with a site walk on April 30th at 5:30pm. Seconded by T. Clark. Vote 8-1 (Ciotti).

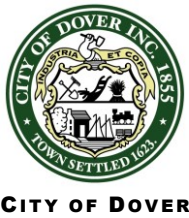
2. ELECTION OF VICE CHAIR

Motion: D. Ciotti made a motion to nominate H. Harmon as Vice Chair. Seconded by F. Torr. The board voted by ballot to approve H. Harmon for Vice Chair.

3. APPROVAL OF THE PRIOR MINUTES

- April 9, 2019 Regular Meeting Minutes

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



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, April 23, 2019**
Meeting Time: **7:00 pm**

4. OLD BUSINESS

None

5. NEW BUSINESS

- A. Consideration and acceptance of a Minor Subdivision for David W. Vincent, ILS, (Owner: Valerie A. Chenevert Irrevocable Trust), Assessor's Map M, Lot 102, zoned R-40, located at 277 Middle Road. (2 new lots) *(P19-28)

C. Parker explained that the applicant wishes to subdivide one lot into three lots. The new lots would be 1.15 acres, 1 acre and 28.56 +/- acres. 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. In this case, staff recommends the condition of approval below that any substantial building be built, over 200 sq. ft., that Planning Board review may be required as the new lots are in the area of the plat that has been surveyed with topo and wetlands indicated.

David Vincent, Vincent Land Survey Services, represented the owner and reviewed the application noting the lot is currently 30 acres with an existing house and barn. The owners are trying to sell the property, but people interested in the house do not want all of the land. The applicant wishes to subdivide out one acre of land with the house and barn.

D. Ciotti asked about note 7: access only across 102-12. C. Parker said there are state laws that allow heirs to access burial sites.

F. Torr asked D. White where the sewer is. D. White said there isn't one to tie into in that area.

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

Public hearing opened.

No one spoke.

Public Hearing closed.

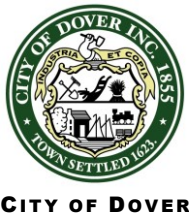
STAFF RECOMMENDATION-Waiver:

The Planning Department recommends that the Planning Board accept the application, open the public hearing, and vote on the waiver request per the reasons provided by the applicant at the meeting:

Condition to be Met Prior to Signing of the Plans:

1. Add a note to the plat that the Board granted a waiver to Chapter 155-28 and that the Board found the criteria of Chapter 155-52.A have been met.
2. Add a note to the plat that should any building over 200 sq.ft. be built on the proposed lot 102-12 on the area not shown on this subdivision plat, that further Planning Board review may be necessary.

Motion: D. White made a motion to grant the waiver request with staff recommended conditions. Seconded by D. Ciotti.



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, April 23, 2019**
Meeting Time: **7:00 pm**

L. Skinner expressed concern for use of the term 'may'.
Vote U/A.

STAFF RECOMMENDATION-Minor Subdivision:

Chapter 155-15 of the Land Subdivision Regulations of the City Code provides for subdivisions of existing lots. This plan is consistent with the regulations, and the Planning Department recommends that the Planning Board approve the Minor Subdivision with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. Provide:
 - a. Copy of Sewer Discharge permit and amend plan note to add permit number.
 - b. Updated current use plan to the satisfaction of the City Assessor
2. The applicant shall revise the plat to:
 - a. Include the Licensed Land Surveyor signature and stamp
 - b. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
 - c. Indicate leach field area
 - d. Show proposed utilities
 - e. Show proposed driveway location
 - f. Add Planning File #P19-28
 - g. Revise floodplain note to indicate that floodplains may be along the rear of the parcel that was not part of the survey/review.
 - h. Fix spelling of the owner's name
 - i. Add tax map and lots per Assessing Office

Conditions to Be Met Prior to Build Permit:

3. Water investment fees shall be paid at time of request for service.

Conditions to Be Met Prior to Occupancy:

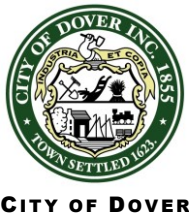
4. Issuance of a Certificate of Occupancy.
5. Impact fees for new dwelling unit shall be paid per the invoice included with the Notice of Decision.

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

- B. Consideration and acceptance of a Minor Subdivision for Knox Marsh Development LLC, (Owner: Michael & Gaye Dean), Assessor's Map 38, Lot 32-1, zoned R-12, and located at 7 Glenwood Avenue. (Proposal is to subdivide the existing lot into two lots).*(P19-31)

C. Parker explained that the applicant wishes to subdivide one lot into two lots. The new lots would be 0.45 acres and 0.28 acres. The existing 4 unit building will remain and a new single family lot will be created. As this is a minor subdivision, it did not go before the Technical Review Committee. But due to the location of the parking and access today along the proposed boundary line, a condition of approval is that the applicant has the Technical Review Committee review the parking, access, and drainage and the Community Services Department approve the exact location of the water/sewer lines at the time of service.

Christopher Berry, Berry Surveying and Engineering, represented the applicant and owner and reviewed the application. He highlighted the existing gravel parking which would be revised for approval by TRC. He



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
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Meeting Date: **Tuesday, April 23, 2019**
Meeting Time: **7:00 pm**

mentioned driveway access and removing the barn. The 4-unit structure will have four spaces in the front and four spaces in the back for parking.

D. Ciotti wondered if the applicant will move the dumpster to where the barn currently is and if the driveway cuts will be worked out at TRC. Yes

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

Public hearing opened.

C. Parker summarized a letter from Dale Lyons regarding pest control.

Public Hearing closed.

STAFF RECOMMENDATION-Minor Subdivision:

Chapter 155-15 of the Land Subdivision Regulations of the City Code provides for subdivisions of existing lots. This plan is consistent with the regulations, and the Planning Department recommends that the Planning Board approve the Minor Subdivision with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. As noted on the plan, the parking, access, and drainage will need to be reviewed by the Technical Review Committee.
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 #P19-31
 - d. Revise note 17 to indicate no Sunday hours of construction
 - e. Show proposed driveway location
 - f. Provide a pest control plan

Conditions to Be Met Prior to Building Permit:

3. Water and sewer investment fees shall be paid at time of the request for service.

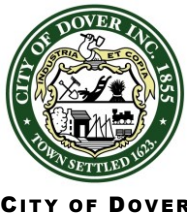
Conditions to Be Met Prior to Occupancy:

4. Issuance of a Certificate of Occupancy.
5. Impact fees for new dwelling unit shall be paid per the invoice included with the Notice of Decision.

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

- C. Consideration and acceptance of a Conditional Use Permit for Eversource Energy, (Owners: David & Laurie Landry and Christopher Lacasse), Assessor's Map I, Lots 29 and 29-D, zoned R-40, located at at 17 & 19 Spruce Lane. (Proposal is to replace an existing utility pole structure in a utility easement within the 50-foot wetland buffer. Temporary wetland buffer impacts are 4,461 s.f.). *(P19-32)

C. Parker explained that the applicant wishes to obtain Conditional Use Permit to replace utility pole structures in a utility easement within the 50-foot wetland buffer. Temporary wetland buffer impacts would be 4,461 square feet. The Conservation Commission endorsed this CUP at their April 8, 2019 meeting.



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, April 23, 2019**
Meeting Time: **7:00 pm**

Matt Cardin, Eversource, represented the applicant and owner and reviewed the application explaining this project is a structure replacement. There's an existing wooden structure. There will be 4400 sq. ft. of temporary wetland impact. The new structure will be located within 10' of the existing structure so it can be utilized while the new one is installed. The area will be restored when the work is complete.

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

Public hearing opened.

No one spoke.

Public Hearing closed.

STAFF RECOMMENDATION:

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 Planning Department recommends the Planning Board approve the Conditional Use Permit with the following condition:

Condition to Be Met Prior to the issuance of the Conditional Use Permit:

1. The applicant shall install the erosion and sediment control measures as depicted on the plans.

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

H. Harmon noted that items 4D and E would be heard together.

- D. Consideration and acceptance of a Conditional Use Permit for Amer Fakhoury & Micheline Elias, Assessor's Map 4, Lot 40, zoned CBD – General, and located at 6-12 Preble Street. (Proposal is to allow a building that provides 37.6% lot coverage, where a minimum lot coverage of 75% is required). *(P19-12)

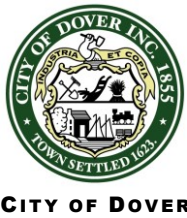
- E. Consideration and acceptance of a Site Review for Amer Fakhoury & Micheline Elias, Assessor's Map 4, Lot 40, zoned CBD – General, and located at 6-12 Preble Street. (Proposal is to construct a four-story building and driveway with parking. The building will consist of 12 apartment units on the upper three floors, and approx. 1,811 s. f. of commercial space on the first floor). *(P19-11)

C. Parker explained that the applicant wishes to construct a new four-story building and driveway with 11 parking spaces. The building will consist of 12 apartment units on the upper three floors, as well as 966 sq. ft. of office space and 845 sq. ft. of restaurant space on the first floor. A CUP application for lot coverage is required as the proposal is to allow a building with 37.6% lot coverage where 75% is allowed.

This application was reviewed by the Technical Review Committee on February 28, 2019.

Robert Stowell, Trittech Engineering, represented the applicant and owner and reviewed the application explaining this is an infill development with a 4-story building. The first floor would include parking and commercial with three floors of residential units. This project has been through the TRC process. He noted the latest plan includes about 60' of sidewalk that is not shown on the plan. Also, the dumpster and bike rack locations have been slightly altered.

D. Ciotti asked for lot clarifications and asked about the parking plans. Mr. Stowell addressed the questions.



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, April 23, 2019**
Meeting Time: **7:00 pm**

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

Public hearing opened.

Basant Das, 11/13 New York Street is concerned about the aggressive knot weed that comes right through the pavement and has to be trimmed. He would like the applicant to remove it. He also expressed concern for pest control at the time of construction.

Public Hearing closed.

R. Stowell addressed the concerns stating pest control will occur during construction and the weeds will be removed as part of the plan. He described where the 20 parking spaces will be.

A lengthy parking discussion occurred among board members, C. Parker and Mr. Stowell.

STAFF RECOMMENDATION-Conditional Use Permit:

Chapter 170-20-B(1) of the City Code states that conditional use approval for relief from the standards may be granted by the Planning Board provided that the proposed project complies with the listed standards. Staff finds the standards have been met and recommends the Planning Board approve the Conditional Use Permit with the following condition:

Condition to Be Met Prior to the issuance of the Conditional Use Permit:

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

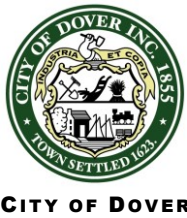
Motion: T. Clark made a motion to approve with staff recommended conditions. Seconded by D. Landry. Vote U/A.

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 approve the Conditional Use Permit with the following condition:

Conditions to Be Met Prior to the Signing of Plans:

1. The conditional use permit (P19-12) shall be approved.
2. The applicant shall provide:
 - a. A digital version of plan set
 - b. Example parking lease, with a 5 year term, to the satisfaction of the Assistant City Manager
 - c. Replacement Letter to Serve from Eversource Engineering or Site Supervisor
 - d. Copy of the recorded cross access easement and book and page at the Strafford County Registry of Deeds
3. The applicant must revise final plan set to:
 - a. Add LL. Skinner & PE signatures and stamps to final plan
 - b. Note that the applicant shall overlay Preble Street in the Construction Sequence.
 - c. Revise lighting plan so that there is no spill over onto abutting properties.
 - d. Provide a plan showing the 6 parking spaces on lot 76 properly marked and striped



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, April 23, 2019**
Meeting Time: **7:00 pm**

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. Install signage noting visibility and noise during any earthwork, to the satisfaction of the City Engineer.

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.
8. Applicant shall record the proposed easement(s) at the Strafford County Registry of Deeds to the satisfaction of the Assistant City Manager.

Conditions to Be Met Prior to Occupancy:

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 (20-yr parking lease).
Seconded by L. Skinner.
Discussion about parking ensued.
Vote 1 (Clark) – 8 motion fails.

Motion: F. Torr made a motion to approve with the standard (5-yr parking lease). Seconded by HH.
Vote 7 – 2 (Clark, Ciotti) motion passes.

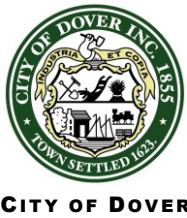
- F. Consideration and acceptance of a Lot Line Adjustment for Invictus Holdings, LLC, c/o Summit Land Development, LLC (Owners: Invictus Holdings, LLC c/o Summit Land Development, LLC & H53 Mast Road LLC), Assessor's Map H, Lots 48 & 53, zoned R-40, located at Cold Springs Road & 17 Stonewall Drive. *(P19-33)

C. Parker explained that the applicant wishes to adjust the lot lines between two adjacent parcels moving 6.34 acres to lot 48. The new lot line will be along the zoning boundary between the I-4 and R-40 district.

The area of the lot line adjustment is comprised of a multi-use ballfield and former home site. Both areas are encumbered by conservation and recreation easements, used to satisfy Transfer of Development Rights requirements for Pointe Place. Based upon those easements, no residential use will be allowed on the site.

Lot H/48's access would remain the same without frontage on a public street but instead having Cold Springs Road run through the lot. Therefore, staying in the legal nonconforming status.

Kevin McEneaney, McEnenay Suevey, represented the applicant and owner and reviewed the application stating this is a simple lot line adjustment. They are adding 6 acres to a 3-acre lot. The lot line will follow the zoning map so that no part of the lot bridges two zones.



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
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Meeting Time: **7:00 pm**

C. Parker clarified the ballfield is being constructed by the City. The Recreation dept manages the existing field and will manage the new field, if it's built.

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

Public hearing opened.

Elizabeth and Freddy Wiedmann, 47 Bellamy Road expressed concerns about traffic, deteriorating road conditions and access over Cold Springs Road. Semi-trucks have been going up the road not knowing the property can't be accessed that way. The applicant has been receptive to concerns and has put up signage indicating no access and is ordering speed limit signs as well.

Public Hearing closed.

C. Parker agreed the applicant will be working with staff to mitigate traffic issues and to design the new field, so it is utilized well and not over-used. Also, the football activities at that site were during high school renovations and may not continue.

Mr. McEneaney explained direction aps are sending these trucks along this route. The applicant is in communication with these ap managers to correct the issue. He has also unlocked the gate so truck drivers can get in to turn around if necessary. He will work with the neighbors on issues as they come up.

STAFF RECOMMENDATION:

Chapter 155-18 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations The Planning Department recommends the Planning Board approve the Lot Line Adjustment with the following condition:

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 P19-33
 - b. Add signature and stamp of LLS
 - c. Add owners' signatures
 - d. Add a note regarding the conservation and recreation easements.

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

- G. Consideration and acceptance of a Minor Subdivision for Kevin P & Karen M Coppinger, Assessor's Map M Lot 40, zoned R-12, and located at 39 Gerrish Road. (Proposal is to subdivide the existing lot into two lots). *(P19-34)

C. Parker explained that the applicant wishes to subdivide one lot into two lots. The new lots would be 0.35 acres and 0.38 acres

Kevin McEneaney, McEnenay Survey, represented the applicant and owner and reviewed the application.

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



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, April 23, 2019**
Meeting Time: **7:00 pm**

Public hearing opened.

No one spoke.

Public Hearing closed.

STAFF RECOMMENDATION-Minor Subdivision:

Chapter 155-15 of the Land Subdivision Regulations of the City Code provides for subdivisions of existing lots. This plan is consistent with the regulations, and the Planning Department recommends that the Planning Board approve the Minor Subdivision 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 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 #P19-34
 - d. Show proposed driveway location
 - e. Show proposed utilities
 - f. Add note that both wooden fences would be removed so that they do not cross boundaries
 - g. Revise note 10 to add when and by whom the site was reviewed for wetlands.
 - h. Add common subdivision notes: 15, 17, & 26.
 - i. Add note that the new lot number will be assigned by the City Assessor and building address by the Building Official.

Conditions to Be Met Prior to Building Permit:

2. Water and sewer investment fees shall be paid at time of the request for service.

Conditions to Be Met Prior to Occupancy:

3. Issuance of a Certificate of Occupancy.
4. Impact fees for new dwelling unit shall be paid per the invoice included with the Notice of Decision.

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

6. STAFF COMMENTS

- The only TRC item since the last meeting was second review of 1 First Street. Northern Pool and Spa at 29 Littleworth is coming back in two weeks.
- National Planning Conference
- NHDOT Rt. 108 meeting May 2nd
- NH OSI Spring Planning and Zoning Conference is June 1st

7. MEMBER COMMENTS

- L. Skinner commented that public comment emails and packets submitted should not be read into the record verbatim, but rather summarized as was done tonight.
- J. Kaspari is going to be presenting with Elena at the June 1st conference. He is also taking a new planning board member course.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, April 23, 2019**
Meeting Time: **7:00 pm**

- F. Torr expressed concern about sound walls on Spaulding Turnpike. He stated sound barriers should be paid attention to. We need to preserve the tourism aspects of the state- the views. The Planning Board should be involved.

8. ADJOURNMENT

Motion: D. White made a motion to adjourn at 9:01 pm. Seconded by D. Landry. Vote U/A