



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, October 08 2019**
Meeting Time: **7:00 pm**

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

Members Not Present (excused): Tom Clark, Erin Allgood (Alternate);

Members Not Present (un-excused): None

Staff Present: Donna Benton, City Planner

The Chair called the meeting to order at 7:00pm and noted that Matt Sullivan was sitting in for Lee Skinner, who has retired from the Board. Ellen Brooks is sitting in for Tom Clark.

1. CITIZENS' FORUM

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

2. APPROVAL OF THE PRIOR MINUTES

- September 24, 2019 Regular Meeting Minutes

Motion: F. Torr made a motion to approve the minutes of August 24, 2019. Seconded by D. White Vote: U/A.

3. OLD BUSINESS

None

4. NEW BUSINESS

- A. Consideration and acceptance of a Request to use Transfer of Development Rights for Little Bay Marina & Development, LLC, Assessor's Map 8, Lots 9, 10, 11 & 12, zoned LBW, and located at 421, 423, 425, & 427 Dover Point Road. (Proposal is to purchase 2 additional units through TDR in addition to the 8 TDR units previously approved for a total of 25 units plus one dwelling unit above the marina office being proposed on site.) *(P18-41A)

D. Benton stated that the applicant wishes to utilize TDR per Chapter 170-27.2.E(4), and requests that the Board provide feedback on the sketch plan estimating the layout of the development site for their review to determine if any waivers will be granted as allowed in 170-27.2 G.

The sketch layout shows 25 units plus 1 accessory apartment in the marina office while only 15 units plus the apartment is permitted by the zone. The applicant received previous approval for 23 units plus one accessory apartment and is now requesting to buy 2 more TDR units.

Attorney FX Bruton, Bruton and Berube, representing the application, reviewed the changes and the request. He handed out copies of the approved plans with the proposed changes highlighted. He explained that because they are committed to improved environmental aspects for this project, it's been determined that two additional units are needed to make the project feasible.

One reason for the request is to move some units due to DES concern in relation to a buffer zone. If the additional units are approved, the applicant will revise their plans, go back for TRC review and then come back to the Planning Board to explain the changes.



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Motion: F. Torr 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 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 but then would need to come back with a full site plan application. This proposal is consistent with those standards, and the Department recommends that the Planning Board vote to approve the application of TDR to the Site Plan with the following conditions:

Conditions to Be Met Prior to Granting the TDR:

1. A site plan amendment would need to come back to the Planning Board for approval.
2. Future site plan shall note what relief is granted.
3. Any requirements of 170-27.2 be included on the plan.

Motion: F. Torr made a motion that the Planning Board finds the additional units is in keeping with the intensity and density of the neighborhood and grant the additional units with staff recommended conditions. Seconded by E. Brooks. Vote 8-1 with D. White opposed.

- B. Consideration and preliminary Public Hearing of a Voluntary Open Space Subdivision for Scott Boudreau, (Owner: Sherri Towle), Assessor's Map C, Lot 47, zoned R-40, and located at 379 Tolend Road. (2 new lots) *(P19-71)

The Chair noted the applicant has withdrawn the application.

The Vice Chair noted that Items C and D will be heard together.

- C. Consideration and acceptance for an Open Space Subdivision for James Gauron and Bellamy Ridge HOA, (Owner: Arthur Sweatt), Assessor's Map I, Lot 6, zoned R-12, and located at 54 Back River Road. (Proposal is to subdivide one lot into 10 including an Open Space lot, and the existing home with a private driveway.) *(P19-09)
- D. Consideration and acceptance of an amendment to a previously approved subdivision for James Gauron and Bellamy Ridge HOA, Assessor's Map I, Lot 6-C-DRV, zoned R-12, and located at Red Barn Drive. Proposal is to widen Red Barn Drive, add accesses to new lots, remove stonewall, and add landscaping) *(P15-05A)

D. Benton stated that the applicant is proposing to create an open space subdivision with nine single family homes (including one existing home) on individual lots plus an open space lot. Five of the lots would be accessed from Red Barn Drive and three would be accessed from a new common drive. The lots will be serviced by public water and sewer.

The previous/existing subdivision (Red Barn Drive) would need to be amended to allow for the proposed open space subdivision. The changes to the previous/existing subdivision include relocating street plantings, adding street trees, removing/reusing the stonewall, relocating the bio-retention area, removing guard rail and part of the perimeter buffer, and adding 5 new lots to be accessed from Red Barn Drive.

This application appeared before the Technical Review Committee three times.



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Staff has spoken with numerous abutters who have expressed concerns with site distance and the unit count. On the Board's desk tonight is an email received with pictures illustrating the concerns. Staff suggests that the Board table the public hearing to hold a site walk and does not have conditions of approval for the Board tonight.

Robert Stowell, Trittech Engineering represented the applicant, discussed the proposal and presented the application. The applicant's attorney and the contractor for the project were also present.

He described the property as just over seven acres. The proposed is for eight new building lots and will retain the existing lot. They propose to widen Red Barn Dr by eight feet.

He addressed an abutter's concern regarding driveway access explaining that they have adequate site distance for up to 45 mph, and this is a 30-mph zone.

D. Ciotti confirmed that the applicant wishes to widen Red Barn Dr yet maintain its private road status.

Mr. Stowell explained for D. Landry that these proposed lots will be part of the homeowners association and each will have access to the open spaces. Sub-associations will be formed based on if the home is on Red Barn Dr or the private drive so that responsibilities are appropriately divided for road maintenance.

D. Ciotti wondered why the City didn't suggest they come in off of Red Barn Dr, rather than add the private drive off the main road which is busy. D. Benton said the applicant didn't prefer that option. Mr. Stowell explained it is also a topography/ site issue.

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

Public hearing opened.

Robin Fletcher, 22 Wingate Lane expressed concerns about drainage since the abutters are at a lower elevation, a stone wall currently runs along Wingate Lane, she asked the Planning Board to consider the environment and the wildlife that will be displaced by these large projects.

Frank Crossman, 50 Back River Road expressed concerns about how far Red Barn Rd will be widened and how that will affect his setbacks; drainage culvert currently under Back River Rd- will the new lots also have culverts to allow the drainage to continue; is the yellow house coming down? #54 to allow for the private drive; how will the private drive affect the neighbors' easements; what will happen on the open space next to him- there are some high risk trees that have potential to fall near his property; traffic due to apartments nearby, speed limits not followed and traffic always backed up at rush hour.

Lance Helman, 57 Back River Road expressed concerns about the wildlife; Rodger's Drive abuts his barn and he is concerned about the width and layout of that drive. He noted it's a house not a barn as indicated on the plans.

Alison Hatfield, 41 Picnic Rock Drive expressed the same concerns regarding congestions of cars throughout the day. The stoplight is very short to move onto the next road. She is also concerned about the wildlife.

Public Hearing Tabled.



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Mr. Stowell addressed the public concerns. The yellow house is going to stay and will be at the corner of the private drive. There is a significant topography change down to the Wingate cul-de-sac. There is existing drainage that deposits into the Wingate open space area. Drainage from the new lots and abutting lots off the private drive will funnel to a bioretention area that has been enlarged and is located beyond the end of the private drive lots. It will be released at the appropriate rate to meet standards before it gets to the Wingate open space area. They will install a culvert, feed into the closed drainage system and then to the bioretention system.

The driveway for Mr. Helman will remain so he can access his barn the same as he has been. Red Barn Dr will be widened. It is currently 20' wide within a 50' right-of-way. On the side of the road in question, the road currently uses 10' of the allotted 25' of space. There is 15' to work with.

D. Benton addressed further concerns from the public. If the stone wall is a property line, both property owners will have to sign off for it to be removed per state statute. The applicant is looking for waivers regarding perimeter buffers. Therefore, setback changes may become noticeable to some abutters. There is currently a 15' building side setback in this district but the new private drive or widened Red Barn Dr may come closer than 15'. Vehicular speed and traffic congestion can be reviewed, but it's not within the Planning Board jurisdiction to use that as a reason to deny the application.

D. Ciotti brought up the private drive issue which is a hot topic right now in the City. He would like the issue addressed before the project is approved. The buyers need to know they are buying on a private drive and will not have access to City services that come with public roads such as plowing.

D. Ciotti requested a few stakes be put in delineating the end of the road for the site walk. The board also requested a few center line markers for the private drive and a few property corners.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board table the application and schedule a site walk.

Motion: D. White made a motion that the Planning Board table both applications for a site walk on October 19 at 9am. Seconded by H. Harmon. Vote U/A.

The following information should be shown on the site for the walk: centerlines, buffer trees locations, site distance, property corners, and end of road.

E. Discuss next steps regarding Rezoning Committee recommendations

D. Benton reminded the Board that in August the Board had a presentation by the rezoning committee and staff is looking for feedback on if it should begin working on the short-term recommendations, or if the Board is interested in an alternative path.

Staff requests that at the October 22 meeting, Board members provide feedback, unless they are ready to do so tonight.

D. Landry confirmed she was referring the concepts by priority. He prefers everything be addressed at once, but if it must be broken up, not more than the three segments listed.

The board agreed they are comfortable with the recommendations of the report.



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5. STAFF COMMENTS

- TRC items since September 24 meeting include: Red Barn Drive, 46 Venture Drive for a commercial building with retail and office, and 136 Industrial Park for additional parking, storage, and office which would not be coming to Planning Board as it is below the threshold.
- There are two surveys as part of the public feedback process for the update of the Recreation Chapter of the Master Plan.
- CIP workshop with the City Council will be October 16th.
- Dover's Strafford Regional Planning Commissioners need to be re-appointed by the City Council. Unless the Planning Board has concerns, the following Commissioners will be reappointed:
 - David Landry (2023)
 - Stephanie Benedetti (2022)
 - Lindsey Williams (2021)
 - Marcia Gasses (2020)
- On March 26, 2019 the Board approved a lot line adjustment between the Joyal-Gadarowski Family Revocable Trust and Jane and Lawrence Zagar. The Registry of Deeds would like a new stamp on the plan, due to a scrivener's error. Due to Mr. Joyal's position with the City, staff feels the Board should acknowledge the Chair re-signing the plans.

Motion: E. Brooks made a motion to have the Chair resign the plans. Seconded by H. Harmon. Vote U/A

6. MEMBER COMMENTS

D. Landry asked D. Benton to check with C. Parker about the status of a committee to review the TDR process. D. Landry has volunteered to be on the committee.

D. Ciotti publicly thanked L. Skinner for his years of public service on the Planning Board. His input was invaluable.

F. Torr mentioned he received a thank you note from L. Skinner.

7. ADJOURNMENT

Motion: D. Ciotti made a motion to adjourn at 8:18pm. Seconded by E. Brooks. Vote U/A