



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, March 10, 2020**
Meeting Time: **7:00 pm**

Members Present: Frank Torr, Tom Clark, Dennis Ciotti (Councilor), Gina Cruikshank (Chair), Matt Sullivan, Erin Allgood (Alternate), Dave Landry, Jackson Kaspari, Ellen Brooks (Alternate), Lisa McGunnigle (Alternate), Hayley Harmon (Vice Chair)

Members Not Present (excused): Dave White

Members Not Present (un-excused): None

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

Chair G. Cruikshank called the meeting to order at 7:00 p.m. It was noted that items 4C, the Conditional Use Permit on Snow's Court, and 4F voluntary Open Space Subdivision on Glenwood Ave, would not be heard, as the applicants have requested continuance tonight. E. Allgood will sit in for Dave White.

1. CITIZENS' FORUM

Citizens Forum Open.

Catherine Cheney, 9 Snow's Ct. spoke on the topic of item 4C which was not to be heard tonight. She handed out a document and previously sent out a link of it to the board members. The forest and wetlands should not be considered for development. It is a self-sustaining ecosystem. If this development is passed, it will set precedence. It is in a FEMA-designated special risk flood zone and almost totally in the conservation district. After this proposal went before the Conservation Commission in September of 2019, the Conservation Commission noted it would not recommend development of this lot. In October a single-family project was proposed which was in almost the same footprint as the original plan which is entirely in wetland. The decision of the Conservation Commission was for more studies to be done and a new plan with minimal impacts. These studies should be done in the spring during the breeding period.

George Law, 72 Fourth St spoke on the topic of item 4C which was not to be heard tonight. He said it's the least ideal plot to build on. It floods every year. It would be irresponsible to build there. It would be bad for the people who bought the home as well as the wildlife. He also mentioned the traffic and the road can't handle another property.

Mary Keays, 52 Prospect St spoke on the topic of item 4C which was not to be heard tonight. She agreed it's the worst place to build a house due to the flooding and ponding. She gave examples of flooding on the property.

Jesse Galt, 48 Prospect St spoke on the topic of item 4C which was not to be heard tonight. He summarized the plan proposed to the Conservation Commission in the fall and what he anticipates will be proposed to the Planning Board soon. The Conservation Commission did not approve the first plan proposed to them. This proposal should not be built. This lot has only 600 sq. ft. remaining of 60,000 sq. ft. after the front, side and buffer setbacks are adhered to. If this proposal goes through this will set precedence. How will the Conservation Commission be able to require future proposals to revise their plans to decrease wetland impact if this proposal goes through which would allow this much development within a conservation district?

Uli Goerke from 9 Snow's Ct spoke on the topic of item 4C which was not to be heard tonight. He agrees with the others that a structure should not be built on this lot in the flood plain. Dover should protect the flood zone areas.

Citizens Forum Closed.



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2. APPROVAL OF THE PRIOR MINUTES

- February 25, 2020 Regular Meeting Minutes

Motion: F. Torr moved to approve the minutes as submitted. Seconded by T. Clark. Vote U/A with D. Landry abstaining.

3. OLD BUSINESS

None.

4. NEW BUSINESS

- A. Discussion regarding Citizen Petition to propose an amendment to the R-20 Zoning District Table to adjust the criteria for helicopter take off and landings.

C. Parker noted that this is a citizen request to propose lessening the restrictions on helicopter take off and landings in the R-20 district. Prior to collecting the fee for a citizen petition and having the citizen develop language, it seemed appropriate to have them speak with the Board.

Karl Lensing, 77 Spur Road reviewed the changes he'd propose. There are five parts to the requirements for helicopter take offs and landings within the R-20 zone.

First, he is questioning the 1,000 ft requirement. That is a very far distance to land from buildings. Some other towns with similar requirements have a 150-200 ft. distance in place. In addition, the language says 1,000 ft from any residential structure which seems that it applies to one's own residence. You would want to land much closer than 1,000 ft to your own residence.

Those are the two changes he's proposing- to change the distance from 1,000 ft to 200 ft and to alter the language from 'any structures' to 'neighboring structures'.

Currently he lands onto his pontoon boat in the Bellamy River at the end of his dock.

F. Torr wondered if neighbors have complained about landing on the river. Not really. The only comment has to do with flying along the river sometimes for takeoff depending on the wind.

Mr. Lensing clarified for D. Landry that he lands in the same spot- on his boat which is attached to his dock. The boat is about 300 ft from his residence and his residence is the closest one to that spot. If allowed he would land 50' closer, on the actual land of his property rather than on the water.

T. Clark wondered how much development would have to occur on the lot to land the helicopter on land. Mr. Lensing said there would be none. He can land on grass per FAA regulations.

Mr. Lensing is in discussions with the abutters to find their preferences.

C. Parker clarified for D. Landry that the state regulates the river. Dover has no authority regarding landing onto the river.

D. Landry listed several parties affected by this including wildlife and abutters. What specifically is the 1,000 ft regulation protecting? C. Parker would have to research that item. The other zones that allow helicopter landing do have the 1,000' requirement. D. Landry pointed out that it is peculiar to have the 1,000' requirement for this, but a home could be built 250' from the shoreline. The board discussed if the helicopter



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would land on land rather than the river, the City may want to contact DES and also consider conservation district regulations- will it require a shore land permit from DES?

Mr. Lensing confirmed the helicopter is quieter than a leaf blower or a Harley motorcycle.

E. Brooks thinks it's preferable to land on mowed grass rather than the river. She wondered if this is approved, would it apply to anyone in the R-20 zone, or would other people need approvals? Mr. Lensing said it's a special exception so others would have to meet the criteria as well.

M. Sullivan noted he is amenable to the change because the special exception process would allow for the public hearing and abutter comments.

D. Ciotti said this request has been denied before because it is in the R-20 zone and it would open up this option to anyone in that zone. He would not vote in favor of it because of that.

C. Parker clarified the process:

- Mr. Lensing drafts the language to consider and submits it to Planning Board
- Planning Board posts and holds a noticed public hearing and the board could make changes/ amendments to the proposed language
- If it's approved by Planning Board it goes before City Council for another noticed public hearing where Council could override Planning Board decision

He also clarified there is a permitting element. If approved, each person in the zone wanting to do this would need a special exception permit which is processed through the ZBA. He might also suggest one amendment the board make is that a CUP be required rather than a special exception permit.

Mr. Lensing noted as conditions of approval he would be ok with adding FAA approval, DES approval and compiling a list of the distances other towns use. To have FAA approval, the applicant would have to have the 7-degree takeoff ability which means no trees or buildings in the way.

The Chair noted that for Mr. Lensing's case, the proposal seems very reasonable. The issue is that if approved, it would be allowed for anyone in that zone.

T. Clark wondered if they might add conditions around sound/ decibels. He also stated he agrees with M. Sullivan and would be in favor of approval.

It was clarified by C. Parker that he has already been denied at the ZBA level, which is why he is before this board. There is not another avenue he can take at this point which only involves him and his property rather than the zone.

B. A Public Hearing for the purpose of receiving public input regarding the City's CDBG program, the development of a new Consolidated Plan, and issues, needs and opportunities related to, but not limited to, efforts to Affirmatively Further Fair Housing, Economic Development, Public Improvements, Housing, Supportive Services and Transportation. Information received will be used to help develop Dover's FY21-25 Consolidated Plan. The Consolidated Plan serves as the guiding document for identifying priority issues to be addressed through annual CDBG funding.*



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D. Carpenter, Community Development Planner for Dover, explained to the Board Dover receives federal funds within the CDBG program which annually distributes funds to projects that achieve certain objectives the community is trying to achieve. The objectives/ goals are listed in the consolidated plan which is a five-year plan. The City is in the process of developing the next plan. Tonight's hearing fulfills the requirement to bring it before a public hearing before it is brought to a review board. He is not looking for any action from the board tonight other than to hold the public hearing. Once feedback is received and looked into, the board will receive a copy of the plan for review in about a month.

E. Allgood wondered more about the process.

Mr. Carpenter noted the five-year plan has many requirements for who to notice, interview and consult with. There have been several listening sessions, online survey, meetings with department heads and groups. For the annual action plan, applications go out in the fall and they come before the boards in the winter and spring and then it gets approved locally and is then sent to HUD.

C. Parker noted over the years of doing this process the staff has built up stakeholder contacts to help reach the vulnerable communities for input.

Public hearing opened. No One Spoke. Public Hearing closed.

C. Parker advised the board members that they could speak any comments they have, or they could contact staff in the next few days with input.

D. Ciotti spoke about the homeless and his hope that Dover would work with Rochester to open a facility to help.

J. Kaspari wondered if they have considered using this funding towards rehabilitation, counseling or mental health-based operations. Mr. Carpenter noted an issue is that there is a limited amount of the funds that can be used in certain ways which includes administration and staffing.

C. Consideration and acceptance of a Conditional Use Permit for STF Development Corp., Assessor's Map 32, Lot 35A, zoned R-12, and located on Snow's Court. (Proposal is for the construction of a single family dwelling within the 100' Conservation District adjacent to the Cochecho River. House would be 73' and site grading would be 61' from the river, with 4,600 sq. ft. of disturbance in the Conservation District. This Conditional Use Permit would also allow for construction within the flood zone.) *(P19-52)

The Vice Chair noted that the applicant has requested a continuance until March 24th to address abutter concerns.

Motion: T. Clark moved to continue the item to March 24th. Seconded by D. Ciotti. Vote U/A

D. Consideration and acceptance of a Minor Lot Line Adjustment for STF Development Corp., Assessor's Map 24, Lots 2A-1 & 2A-2, zoned RM-U, and located at 1-4 Waverly Drive & 5-8 Waverly. *(P20-16)

C. Parker stated that the applicant is proposing to adjust the lot line between the two existing lots. The adjustment would be an equal land swap trading a trapezoidal area for a triangular area. All dimensional regulations and requirements are met.



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Christopher Berry, Berry Surveying and Engineering represented the applicant and reviewed the project. The applicant needs to move the lot line 4 or 5 feet to meet side setbacks for the structure. They've proposed an even land swap.

Motion: F. Torr moved to accept the item. Seconded by T. Clark. Vote U/A

Public hearing opened. No One Spoke. Public Hearing closed.

STAFF RECOMMENDATION

Chapter 157-18 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 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 P20-16 to the title block
 - b. Add signature and stamp of LLS
 - c. Add owners' signatures
 - d. Confirm address with Building Official and change on plan if necessary.

Motion: M. Sullivan made a motion that the Board approve the Lot Line Adjustment with staff recommended conditions. Seconded by T. Clark. Vote U/A.

E. Consideration and acceptance of Minor Lot Line Adjustment for Peter Georgakilas, (Owners: Peter Georgakilas and Penny & William Scire), Assessor's Map M, Lots 83-7 & 102-12, zoned R-40, and located at 52 Overlook Drive and Middle Road. *(P20-17)

C. Parker stated that the applicant is proposing to adjust the lot line between the two existing lots. Lot 102-12 (Middle Rd) and lot 83-7 (52 Overlook). Lot 102-12 will increase from 1,244,008 s.f. to 2,017,001 s.f. and lot 83-7 will decrease from 1,024,214 s.f. to 251,221 s.f. All dimensional regulations and requirements are met.

Christopher Berry, Berry surveying and Engineering represented the applicant and reviewed the project. Each of the lots are still conforming.

Motion: F. Torr moved to accept the item. Seconded by T. Clark. Vote U/A

Public hearing opened. No One Spoke. Public Hearing closed.

STAFF RECOMMENDATION

Chapter 157-18 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 regulations and recommends that the Planning Board vote to approve the lot line adjustment with the following conditions:



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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 P20-17 to the title block
 - b. Add signature and stamp of LLS & CWS
 - c. Add owners' signatures
 - e. Update any necessary conservation easement documents as needed.

J. Kaspari asked why this is occurring. Mr. Berry said they are proposing an open space subdivision on the remainder of the property. This would be the open space area. This land would not be currently slated for development.

Motion: J. Kaspari made a motion that the Board Issue the Conditional Use Permit with staff recommended conditions. Seconded by D. Ciotti. Vote U/A.

F. Preliminary Discussion and Public Hearing regarding potential Voluntary Open Space Subdivision for Lawrence E. & Cheryl J. Mulcahy, Assessor's Map D, Lot 20, zoned R-12, and located at 71 Glenwood Avenue. (8 new lots) *(P20-18)

The Vice Chair noted that the applicant has requested a continuance until April 14th to address abutter concerns.

Motion: H. Harmon moved to continue the item until April 14th the item. Seconded by D. Ciotti. Vote U/A

5. STAFF COMMENTS

- Spring planning conference reminder to sign up if you'd like to attend.
- TRC has reviewed a retail building at Sterling Way
- CDBG Action plan items will come to the Board in April.
- Lot merger for two lots on Chapel and Mechanic which wasn't completed.

Motion: F. Torr moved to authorize the Chair sign the document read to merge the lots. Seconded by T. Clark. Vote U/A

6. MEMBER COMMENTS

None

7. ADJOURNMENT

Motion: M. Sullivan made a motion to adjourn at 8:40 p.m. Seconded by J. Kaspari. Vote U/A