



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Thursday, March 26, 2020**
Meeting Time: **7:00 pm**

This meeting is a continuation of the Regular Planning Board meeting held Tuesday, March 24, 2020.

Members Present: Gina Cruikshank (Chair), Matt Sullivan, Ellen Brooks (Alternate), Dave White

The following Board members called into the meeting: Tom Clark, Dennis Ciotti (Councilor), Jackson Kaspari, Lisa McGunnigle (Alternate), Hayley Harmon (Vice Chair), Erin Allgood (Alternate)

Members Not Present (excused): Dave Landry, F. Torr

Members Not Present (un-excused): None

Staff Present: Christopher Parker, Assistant City Manager

Chair G. Cruikshank called the meeting to order at 7:00 p.m and stated L. McGunnigle will sit for F. Torr.

Motion: E. Brooks moved to resume the meeting. Seconded by D. White

Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks-yes, H. Harmon-yes, D. White-yes, M. Sullivan-yes, L. McGunnigle-yes

1. NEW BUSINESS

- A. Consideration and acceptance of a Site Review for Cochecho Country Club, Assessor's Map N, Lot 15, zoned R-40, and located at 145 Gulf Road. (Proposal is for the existing parking lots and access drive to be resurfaced as well as reconstruction of a new concrete pad and fencing for the existing dumpster area which will consist of 55,100 sq. ft. of paved area). *(P20-15)

Motion: D. White made a motion that the Board resume the application and public hearing. Seconded by E. Brooks.

Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks-yes, H. Harmon-yes, D. White-yes, M. Sullivan-yes, L. McGunnigle-yes

Public hearing opened.

No public spoke.

The Chair read the following into the record:

IN RESPONSE TO THE COVID-19 CORONAVIRUS, AND IN ACCORDANCE WITH RECOMMENDATIONS BY STATE AND FEDERAL HEALTH OFFICIALS LIMITING PUBLIC GATHERINGS, THE PUBLIC IS ENCOURAGED TO TEMPORARILY ACCESS PUBLIC MEETINGS REMOTELY, INCLUDING CABLE TELEVISION AND ONLINE STREAMING, AND SUBMIT COMMENTS FOR PUBLIC HEARINGS AND CITIZEN'S FORUM IN WRITING BY EMAIL: PlanningBoardAll@dover.nh.gov OR POSTAL MAIL ADDRESSED TO: PLANNING DEPARTMENT, CITY OF DOVER, 288 CENTRAL AVENUE, DOVER, NH 03820. THE PUBLIC MAY ALSO SUBMIT COMMENTS BY LEAVING A VOICE MESSAGE AT: 516-MEET (6338). PRECAUTIONS IN PUBLIC MEETING ROOMS WILL INCLUDE LIMITING THE NUMBER OF PEOPLE TO 10, THE USE OF OVERFLOW SPACE IF NECESSARY, AND THE REMOTE PARTICIPATION BY SOME BOARD MEMBERS.

Public comments received for this case: none in writing or by voicemail.

Public Hearing closed.

STAFF RECOMMENDATION -WAIVER:

The Planning Department recommends the Planning Board vote to approve the waiver request with the following condition:



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Condition to Be Met Prior to Granting the Waiver:

1. A note is added to the plan that the Board has granted the waiver for the full survey of the entire property and the criteria of Chapter 153-21.A have been met.

Motion: M. Sullivan made a motion that the Board approve the Waiver Request with staff recommended conditions. Seconded by D. White.

Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks-yes, H. Harmon-yes, D. White-yes, M. Sullivan-yes, L. McGunnigle-yes

STAFF RECOMMENDATION –SITE PLAN:

Chapter 153-4 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 Site Plan with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. The applicant shall provide a digital version of plan set
2. The applicant must revise final plan set to:
 - a. Add the owner's signatures to the final plat submitted for signature
 - b. Add PE signature and stamps to final plan
 - c. Address any outstanding Inspection Services and Engineering TRC comments to the Building Official and City Engineer's satisfaction.
 - d. Add updated parking calculation

Conditions to Be Met Prior to any Construction Activity:

3. 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.

Motion: D. White made a motion that the Board approve the Site Plan with staff recommended conditions. Seconded by M. Sullivan.

Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks-yes, H. Harmon-yes, D. White-yes, M. Sullivan-yes, L. McGunnigle-yes

- B. 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)

Motion: D. White made a motion that the Board resume the application and public hearing. Seconded by E. Brooks.

Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks-yes, H. Harmon-yes, D. White-yes, M. Sullivan-yes, L. McGunnigle-yes

Public hearing opened.

No public spoke.

The Chair read the following into the record:



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Public comments received for this case: none by voicemail, 2 in writing.

C. Parker summarized the comments received. The board has received the full comments and PDFs of the comments will be available as part of the minutes.

Public Hearing closed.

C. Parker relayed some comments based on board questions from the last meeting.

1. Is this site developable?

C. Parker reached out to the assessing staff. The land is considered developable because it meets lot size and frontage and the zoning code offers relief for the conservation district and flood plain.

2. C. Parker reviewed the wetlands manual and reached two conclusions: while it is advisable to perform a vernal pool assessment between March and May, it is not required. Second, there is a form, but it is to document an existing vernal pool, not to evaluate if there is a vernal pool.

He asked the engineering dept to also review the information. The Assistant City Engineer agreed with C. Parker about the use of the form. She also stated 99% of the time, you don't have a vernal pool if there aren't wetlands.

C. Parker also called two wetlands scientists and the City environmental consultant. The consensus was that the form is a documentation tool, not an evaluation tool. They also believe there doesn't have to be wetlands to have a vernal pool- just 8"-12" depression that could hold water on the site. They looked at digital mapping of the lot and it looks like a dry lot. It would be hard to determine a vernal pool without the presence of water. They both agreed tests can be done at any time of year, but between March and May is best. After they found out who performed the test, they confirmed she is a highly credentialed scientist who knows what she's doing. They wouldn't question her results.

J. Kaspari wondered what it would take for the firm to do a quick confirmation study at the end of March/ beginning of April.

Mr. Berry said it wouldn't be a big issue- it would just cost some time and money.
He expounded that it has been looked at twice and no evidence has been found so far.

E. Allgood agreed with J. Kaspari that there have been enough concerns expressed to warrant one more look at the site since we are currently in the prime time-period.

T. Clark disagreed with the board members. There is evidence presented by noted scientists that the site does not have a vernal pool.



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E. Brooks was concerned about the vernal pools the other day. She did some research and found the same information C. Parker noted. Many of the public comments are concerns about flooding. Is there any sort of test or study that the board can require of the applicant regarding flooding?

C. Parker said the City does not evaluate that. FEMA notes that this site is in the flood plain. The City flood plain regulations are in place and will need to be met.

E. Brooks is in favor of the City being able to own a portion of this lot and keep it preserved.

D. White stated approval of this plan does not grant permission to the residents to park in the city right-of-way. He suggested the Planning Board approve the driveway plan as part of this application.

D. Ciotti and G. Cruikshank agreed that the property owners have rights and the board doesn't have the authority to prevent development where it's allowed even if they don't agree.

J. Kaspari and M. Sullivan questioned the reason for the CUP request if the board does not have authority to deny it. M. Sullivan questioned whether the proposal meets criteria of being essential to the productive use of the property.

STAFF RECOMMENDATION

The Conservation District ordinance provides for Conditional Use Permits to allow impacts to land within 100 feet of a river if standards related to demonstration of need, avoidance, minimization, and mitigation are met. The Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to issue the Conditional Use Permit with the following conditions:

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

1. The applicant shall provide the Planning Department with a:
 - a. Copy of the NH Department of Environmental Services Shoreland Permit.
 - b. Revised plan with:
 - i. Owners signatures
 - ii. Certified Wetland Scientist. PE, and LLS signatures and stamps
 - iii. File number P19-52 on title block
 - iv. A note shall be added to the plan and deed that no further development shall occur on the parcel.
 - v. Add a note that the driveway shall be installed as shown on the plan.

Conditions to Be Met Prior to Building Permit is Issued:

2. The Planning Board shall review a subdivision plan, which includes a note that the new lot created will be conveyed to the City for passive recreational or Conservation use only.

Condition to be Met Prior to Occupancy:

3. Issuance of a Certificate of Occupancy
4. Should the Board approve the subdivision, the land be conveyed to the City.
5. Verification that the driveway is installed as described on the plan.

C. Parker commented that the land available to develop in the City is no longer ideal. The ideal locations are gone. He understands the board members struggle with this application.



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To the abutters: the intent for the land that comes to the City will be for passive recreation and conservation.

M. Sullivan said that due to the subdivision portion of this proposal he will likely vote in favor.

Motion: D. White made a motion that the Board Issue the Conditional Use Permit with staff recommended conditions. Seconded by E. Brooks.

Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-no, E. Brooks-yes, H. Harmon-no, D. White-yes, M. Sullivan-yes, L. McGunnigle-yes

The vote passed with 7 in favor and 2 opposed.

2. STAFF COMMENTS

- CDBG Action plan items will come to the Board in April as will the Zoning amendments
- Property Rights – what's allowed by property owners and what the board has authority to approve and deny
- Rutland Manner

3. MEMBER COMMENTS

M. Sullivan reported on progress from the TDR Subcommittee who met on March 16th.

Two focuses of the meeting were

- The ten-unit limit and if it is arbitrary or if it should be removed. The consensus was to remove the cap provided the criteria were acceptable for when a sketch plan should be required
- When a sketch plan should be required: different thresholds were discussed such as a percentage increase over the base or number of unit increase. They decided that all depends on the context of the individual proposal. They are proposing that City staff will decide when more in depth plans are needed based on their recommendation.

If a proposed TDR does require a CUP, that will automatically require a sketch plan to be reviewed by first the Conservation Commission and then the Planning Department.

C. Parker noted the next steps. April 14th will be the first public hearing on that amendment.

4. ADJOURNMENT

Motion: E. Brooks made a motion to adjourn at 8:08 p.m. Seconded by D. White.

Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks-yes, H. Harmon-yes, D. White-yes, M. Sullivan-yes, L. McGunnigle-yes