DOVER PLANNING BOARD – MINUTES

CITY OF DOVER

Meeting Type:	Regular Meeting, continued
Meeting Location:	City Council Chamber's 288 Central Avenue
Meeting Date:	**Tuesday, June 9, 2020**
Meeting Time:	**7:00 pm**

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: PlanningBoard-All@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.

*Technical difficulties were experienced at the beginning of the meeting and the video recorder may not have been working for the first 15 minutes. Audio was recorded during that time.

Members Present: Gina Cruikshank (Chair), Dennis Ciotti (Councilor), Matt Sullivan, Dave White, Jackson Kaspari, Ellen Brooks (Alternate); Lisa McGunnigle (Alternate)

The following Board members called into the meeting: Erin Allgood (Alternate), Tom Clark

Members Not Present (excused): Dave Landry, Hayley Harmon (Vice Chair), F. Torr

Members Not Present (un-excused): None

Staff Present: Christopher Parker, Assistant City Manager

Chair G. Cruikshank called the meeting to order at 7:06 p.m. and noted that E. Brooks will sit in for D. Landry, L. McGunnigle will sit for F. Torr and E. Allgood will sit for H. Harmon.

CITIZENS' FORUM

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

APPROVAL OF THE PRIOR MINUTES

- May 26, 2020 Regular Meeting Minutes

Motion: E. Brooks moved to approve the minutes as presented. Seconded by D. White.
Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks- yes, D. White-yes, L. McGunnigle-yes, M. Sullivan-yes, E. Allgood- yes

OLD BUSINESS

A. Consideration and possible vote of an Amendment to a previously approved Site Review for V.M.D. Companies, LLC., (Owners: VMD Equities DVR LLC, c/o V.M.D. Companies, LLC), Assessor's Map 11, Lot 2, zoned B-3, and located at Sterling Way. (Proposal is for a 14,927 s.f. retail store to replace the previously approved 2,930 s.f. bank as well as decreasing the medical office building from 66,000 s.f. to 60,264 s.f. and 382 parking spaces to 333). *(P15-56B)

Motion: D. White made a motion that the Board remove the application from the table. Seconded by D. Ciotti.

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

Public hearing reopened.
No public spoke and two public comments were received at the office for this case. C. Parker answered their questions when they contacted the office.
Public Hearing Closed.

The applicant representative stated they reviewed staff conditions and have no problems adhering to them.

STAFF RECOMMENDATION
Chapter 153-4 of the Site Plan Regulations of the City Code provides for the Boards review of development and redevelopment of lots in the City. The Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve with the following conditions:

STAFF RECOMMENDATION: Waiver:
The Planning Department recommends the Planning Board remove the item from the table, re-open the public hearing, close the public hearing and vote on the waiver. If the waiver is granted, staff recommends it be granted with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:
1. A note be added to the plan that the Board granted a waiver to Chapter 153-14.E(2)(b) and found that the criteria of Chapter 153-21.A have been met.

Motion: D. White made a motion that the Board approve the waiver with conditions presented. Seconded by D. Ciotti.
Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks- yes, D. White-yes, L. McGunnigle-yes, M. Sullivan-yes, E. Allgood- yes

STAFF RECOMMENDATION: Site Plan:
The Planning Department recommends the Planning Board vote to 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. Narrow drive-thru entrance by extending the curb to the satisfaction of the City Engineer and Assistant City Manager.
    b. Add the owner's signatures to the final plat
    c. Add LLS, PE, Architect, and LLA signatures and stamps to final plan
    d. Revise note 23 on C-101 to remove Sunday hours
    e. Add common site plan notes 36-40
3. To the satisfaction of the Building Official:
    a. Extend depth of landscape islands, near loading dock and provide revised T-1 template, if needed
    b. Provide alternative location of the gas meter/riser
    c. Confirm FDC location and unobstructed path
    d. Edit the ANSI reference on plan C-103 note #18 from 2003 to 2009 edition.

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.

Conditions to Be Met Prior to Issuance of a Building Permit:

5. The new building 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:

6. Issuance of a certificate of occupancy.
7. Impact fees shall be paid per the invoice included with the Notice of Decision.
8. The center aisle area has been loamed and seeded with pedestrian connection created to the satisfaction of the City Engineer and Assistant City Manager.
9. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

D. Ciotti wondered why condition 2D is requested. It was clarified those are construction hours- not hours of operation for the business.

Motion: D. White made a motion that the Board approve the Site Plan application with staff recommended conditions. Seconded by D. Ciotti.
Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks- yes, D. White-yes, L. McGunnigle-yes, M. Sullivan-yes, E. Allgood- yes

B. Consideration and possible vote of a Minor Lot Line Adjustment for Michael R. Towle & Julie Burell Crabtree, Bryan L. & Aimee M. Towle & Richard P. & Katherine C. Towle Revocable Trust, Assessor's Map I, Lots 54D, 54B, 54 & 54E, zoned R-12, located on Back River Road. *(P20-28)

Motion: D. White made a motion that the Board remove the application from the table. Seconded by D. Ciotti.
Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks- yes, D. White-yes, L. McGunnigle-yes, M. Sullivan-yes, E. Allgood- yes

Public hearing reopened.
No public spoke. One letter was received to the office for this case from Ms. Williams who spoke at the last meeting. C. Parker summarized her comments and suggestions and explained to the Board legal reasons the City cannot honor all of her suggestions.
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. This plan is consistent with those regulations and the Planning Department recommends that the Planning Board approve the minor 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 will provide copies of any deeds noting access easement updates that are needed as a result of the plat.

3. The applicant shall revise the plat to:
    a. Add Planning file number P20-28 to the title block
    b. Add signature and stamp of LLS
    c. Add owners' signatures for recording at Strafford County Registry of Deeds.
    d. Add a note that the driveway locations are not being changed by this application.
    e. Add 2018 Minor Subdivision to the reference plan list.
    f. Correct the abutter address from 43 to 45 Mast Rd.

Motion: D. White made a motion that the Board approve the lot line adjustment application with staff recommended conditions. Seconded by E. Brooks.
Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks- yes, D. White-yes, L. McGunnigle-yes, M. Sullivan-yes, E. Allgood- yes

C. Consideration and possible vote of a Minor Subdivision for Matthew & Ashley Hawkins Trustees, Hawkins Family Revocable Trust, Assessor's Map 30, Lot 88, zoned CBD-Mixed Use, located on 31 Sixth Street. (1 new lot) *(P20-29)

Motion: D. White made a motion that the Board remove the application from the table. Seconded by D. Ciotti.
Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks- yes, D. White-yes, L. McGunnigle-yes, M. Sullivan-yes, E. Allgood- yes

Public hearing reopened.
No public spoke and no public comments were received for this case.
Public Hearing Closed.

STAFF RECOMMENDATION
Chapter 157-15 of the Subdivision Regulations of the City Code provides for the Boards review of subdivisions of lots in the City. The Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:
1. The applicant shall provide the Planning Department with a digital version of the final plat.
2. Provide a CAD file to the satisfaction of the Asset Management Administrator's satisfaction.
3. If the newly created lot will use the driveway off Grove Street, the applicant shall grant an easement, to be reviewed and approved by the Assistant City Manager, for the new lot.
4. The applicant shall revise the plat to:
    a. Add Planning file number P20-29 to the title block
    b. Add signature and stamp of LLS
    c. Add owners' signatures for recording at Strafford County Registry of Deeds.
    d. Add topography
    e. Show existing water service
    f. Add Common notes 12 (wetlands) and 33 (topography)
    g. Add a note relative to whether the new lot will continue to use the driveway off Grove Street

Motion: D. White made a motion that the Board approve the Minor Subdivision application with staff recommended conditions. Seconded by D. Ciotti.

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

NEW BUSINESS

A. Consideration and acceptance of a Minor Subdivision for Stephen & Rosemary Forcillo, Assessor's Map N, Lot 12A, zoned R-40, located at 206 Gulf Road. (1 new lot) *(P20-30)

C. Parker explained that the applicant wishes to subdivide one lot into two. The new lot areas would be 53,782 s.f. and 117,407 s.f. As shown on the plan, the lots contain large wetland areas so the surveyor has calculated lot area including non-conservation district areas and wetland buffer areas to confirm it complies with the zoning regulations.

The Zoning Board approved a variance for lots containing less than the required 40,000 square feet of contiguous upland. The lots are proposed to be served by private well and septic. As a Minor Subdivision, this application did not appear before the Technical Review Committee.

Robert Stowell, Tri-Tech Engineering, represented the applicant and reviewed the plan. They have received state approvals and will share a driveway with the abutters.

Motion: D. Ciotti made a motion that the Board accept the application. Seconded by D. White.
Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E.Brooks- yes, D. White-yes, L. McGonnigle-yes, M. Sullivan-yes, E. Brooks- yes

Public hearing opened.
No one spoke and no comments were received to the office for this case.
Public Hearing closed.

C. Parker explained to the Board the new procedures and criteria the staff has created for when an application meets the threshold to be voted on within one meeting rather than tabling to the following meeting to allow for further public comment. This case meets those criteria.

STAFF RECOMMENDATION

Chapter 157-15 of the Subdivision Regulations of the City Code provides for the Boards review of subdivisions of lots in the City. The Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve with the following conditions:

Conditions to Be Met Prior to the 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 add signature and stamp of LLS

Motion: D. White made a motion that the Board approve the Minor Subdivision application with staff recommended conditions. Seconded by D. Ciotti.
Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks- yes, D. White-yes, L. McGunnigle-yes, M. Sullivan-yes, E. Allgood- yes

B. Consideration and acceptance of a Request to use Transfer of Development Rights for a Subdivision for Robert Baldwin, Assessor's Map I, Lot 30, zoned R-40, located at 144 Mast Road. (Proposal is to subdivide one lot into four by purchasing three units via TDR)*(P20-35)

C. Parker explained Per Chapter 170-27.2.G(3)(a), the applicant is requesting that the Board vote on the plan indicating the additional 3 lots can be created and one unit on each lot can be built. The plan shows the existing residential building on the parent lot with 3 new lots being subdivided for three new residential dwellings. These new homes will be off a private driveway, and serviced by municipal water and sewer.

This is the first application under the posted TDR amendment language. In addition to the regular materials, there was a new memo regarding the TDR project and noting it does not need a concept review. This project does not need a conditional use permit, as the wetlands area is not impacted by the subdivision.

Christopher Berry, Berry Surveying and Engineering represented the applicant and reviewed the plan.
They have located all of the wetlands and have done test pits and determined it is very sandy. There will be three stand-alone lots that will all face Mast Rd. The front two driveways are behind the structures to look more like a single drive from the road. This is a transition area between a dense area and a more rural area.

M. Sullivan wondered about the shape of one of the lots. It is that way because frontage is now required.

D. Ciotti wondered about the square footage of the houses. The footprint is about 700 sq. ft. but they are two-story structures so they will be about 1,400 sq. ft. each.
He also wondered if Fire Dept has approved this plan. Not yet, which is why it is not recommended for approval tonight so that meeting can occur.

E. Brooks wondered about the extra driveway area on the third lot. It is for fire truck turn around or passerby turn around without using the owner's driveway.

Motion: D. White made a motion that the Board accept the application. Seconded by D. Ciotti.
Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks- yes, D. White-yes, L. McGunnigle-yes, M. Sullivan-yes, E. Allgood- yes

Public hearing opened.

C. Parker noted no comments were received to the office.

The Chair read the following:
New testimony can be provided on June 23rd during the resumed public hearing. Abutters are able to call 603.516.6338 (meet) and leave a voice mail, or email staff at Dover-Planning@dover.nh.gov and their comments will be summarized into the record.

Public Hearing Recessed.

Motion: E. Brooks made a motion that the Board recess the public hearing and table the application to June 23rd. Seconded by D. White.
Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks- yes, D. White-yes, L. McGunnigle-yes, M. Sullivan-yes, E. Allgood- yes

STAFF COMMENTS

- TRC is occurring in person. On June 4, plans were reviewed for Pointe Place and an industrial building on Crosby Road.
- Staff has developed a protocol for which projects will be temporarily separated into two meetings.
- The board agreed that on June 23rd we'll hold one more Zoning amendment public hearing and then the Board can discuss amending and voting on the amendments provided.
- Reminder that we are only having one meeting in July and August, as per routine, unless the Board would like to meet more often.
- F. Torr has been a member of this board for over 20 years and NH Planners Association has chosen him as Citizen Planner of the Year which he will receive tomorrow.

MEMBER COMMENTS

- G. Cruikshank appointed the following people to the Community Facilities and Utilities Master Plan steering committee
  - Matt Sullivan- Planning Board Rep
  - Jan Nedelka- Citizen Rep
  - A representative from the Energy Commission
  - A representative from the City Council
  - A representative from the Utilities Commission

ADJOURNMENT

Motion: D. White made a motion to adjourn at 7:53 p.m. Seconded by E. Brooks.
Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks- yes, D. White-yes, L. McGunnigle-yes, M. Sullivan-yes, E. Allgood- yes