

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, July 28, 2020**
Meeting Time: **7:00 pm**

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

Members Not Present (excused): None

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 noted items D and E will not be heard tonight but will be continued to the August 25th meeting.

CITIZENS' FORUM

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

APPROVAL OF THE PRIOR MINUTES

- June 23, 2020 Regular Meeting Minutes

Motion: F. Torr moved to approve the minutes as presented. Seconded by D. Ciotti. Vote: U/A

OLD BUSINESS

None

NEW BUSINESS

- A. 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). *(P19-11A)

C. Parker explained that on April 23, 2019 the applicant received conditional approval to construct a mixed use building off Central Avenue behind the "Quick to Go." Since that time the plan expired unsigned due to unforeseen issues encountered by the applicant. The Board is being asked to reapprove the application, with a revised list of Conditions as the applicant did address the plan changes.

Staff reviewed the plans and noted that the conditions related to plan changes have been addressed on the submitted plan. No new TRC was conducted for the application.

Robert Stowell, Trittech Engineering, represented the application and discussed the plat. This project was approved by the board in 2019, but the applicant wasn't able to fulfill the conditions of approval before the approval expired. They are asking the board to reapprove the project.

The parking spaces they have proposed is 14 spaces as follows: 6 spaces under the back of the building, 5 other spaces in back and 3 spaces to the side. One of the conditions was to provide a parking layout for the front. They propose leasing spaces from the Quick-to-Go which is also owned by the applicant. There are 6 striped spaces there that will meet the requirements.



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Motion: F. Torr made a motion that the Board accept the application. Seconded by D. White. Vote: U/A

Public hearing opened.

George Stergiou, 15 Preble St is concerned with keeping consistency with the character of the neighborhood. The proposed massing is too large for the neighborhood and doesn't meet City design standards.

An even greater concern is the potential traffic increase on Preble St. The traffic study noted no significant impact will occur, but also that 347 vehicles will travel that road. He asked for the application to be tabled so a traffic study can be done to find out how much traffic currently travels that road.

There are parking concerns. The current proposal has spaces in front of a garage door and they are already using spaces at the Quick to Go to meet the current standards. A parking study should be done to confirm standards will be met.

Vasant Dass, 11 New York St had sent an email and brought copies for the board members. He is concerned about some aggressive knot weed vegetation that is causing a hazard. It is very invasive and comes right up through the macadam. It needs to be tamed and cut out. It needs to be a condition of approval and taken care of as soon as possible.

Brendan Sullivan, 24 Preble St agreed with everything mentioned by Mr. Stergiou.

Jenn McCarthy, 18 Preble St agreed with everything mentioned by Mr. Stergiou. The neighbors have discussed all of the issues he mentioned.

Kiran Kumar Tamminidi, 14 Preble St is concerned about parking, traffic and the size of the proposed structure. He is a direct abutter and thinks his property will be devalued if this project goes up.

Public Hearing closed.

Robert Stowell addressed public concerns.

Having the structure fit in with the neighborhood is tough. The neighborhood is zoned differently now than it was when the original homes were built. The structure will be attractive and an upgrade to the area.

Traffic analysis looks at peak hours and the study found an expected increase of 9 in the morning and 19 in the afternoon. The driveway is very close to Central Ave. Preble Street should not be greatly affected.

The parking is in compliance and in concert with Dover's requirements. It is going to get double use: for both residents and office use and that is the concept. The garage is going to be closed as part of the project so that garage door will not be in use for service.

The knot weed does need to be addressed and the applicant is willing to put a time condition on that if needed. It wasn't anticipated that the project would have gone on this long.

D. Ciotti asked about the existing restaurant and parking plans.

Mr. Stowell stated the intent is for the restaurant to reopen and utilize parking in the front area where there is not residential use.

Discussion occurred. If the restaurant is open at night, there would be a conflict with customers and residents vying for the same parking spots.

M. Sullivan wondered what the current numbers are for peak hour traffic.



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Existing numbers have not been studied since the size of the building did not require a large study, just the short study which does not look at current patterns.

D. Landry wondered if some restriction of traffic flow could be a condition of approval. C. Parker doesn't think it can be decided without a traffic study. He would like Preble St put before the Transportation Advisory Commission for general review, but not part of this application.

D. Landry wondered about the bedroom count for the units. There are no 3-bedroom units proposed. There are two 2-bedroom units and two 1-bedroom units per floor.

Discussion occurred about the hours of operation for the existing restaurant location. There can be a condition of approval to be provided a copy of the lease for the parking and also the lease that will be given to the tenant. The hours of operation can be restricted to balance the parking needs for the dual purpose. There is no requirement that there has to be off-street parking provided for commercial uses in this area.

Mr. Stowell noted the intent is to provide parking for the residents. The calculations were done based on the residential need for the project. If time restricted parking will help with that, they will agree to it. The commercial uses will use shared spaces or on-street spaces.

D. Ciotti updated the board that the Transportation Advisory Commission looked at making Preble St a one-way street as well as the bus stop area there. Nothing has been decided yet.

STAFF RECOMMENDATION

Chapter 153-4 of the Site Review 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:

Conditions to Be Met Prior to the Signing of Plans:

1. The applicant shall provide:
 - a. A digital version of plan set
 - b. A parking management plan indicating how the parking on map 4 lots 76 and 40 will be managed and shared between all users.
 - c. Example 5 year parking lease to the satisfaction of the Assistant City Manager
 - d. Replacement Letter to Serve from Eversource Engineering or Site Supervisor
 - e. A plan to remove the knotweed before construction activity or demotion
2. The applicant must revise final plan set to:
 - a. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
 - b. Add LLS, PE, Landscape Architect, and Architect signatures and stamps to final plan

Conditions to Be Met Prior to any Construction Activity:

3. As per the original Notice of Decision dated April 24, 2019.
4. Knotweed shall be removed.

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

5. As per the original Notice of Decision dated April 24, 2019.



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Conditions to Be Met Prior to Occupancy:

6. As per the original Notice of Decision dated April 24, 2019.

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

D. Ciotti is not in favor of the proposal because of the parking issue among the two separate lots which are currently owned by the same person.

J. Kaspari is not in favor because there is not enough parking proposed for the size of the buildings.

D. Landry spoke about the parking issues as well.

Discussion occurred about the wording of the conditions for approval and various examples of commercial uses in that area with or without parking.

Since the applicant currently owns both lots, they will have to consider the consequences of the parking choices if they want to sell or lease the building in the future.

D. Ciotti asked the length of a particular section of parking. It was discussed and confirmed the layout will work.

H. Harmon noted she will not vote in favor of this application.

D. White noted this board should not be trying to micromanage the parking on the site. That is normally left up to the applicant/ developer. The board should look at whether the applicant provides parking for his residents- which he does. He will support the project. It is a good use of the property.

T. Clark agreed with Mr. White and will also support the project.

Votes in favor: F. Torr, G. Cruikshank, T. Clark, D. White

Votes opposed: J. Kaspari, H. Harmon, D. Landry, D. Ciotti, M. Sullivan

C. Parker instructed the board to itemize their reasons for denial where the applicant did not meet the regulations and then conduct a vote to deny.

Discussion occurred.

Parking is an issue – even just looking at what's needed for the residential use alone. They are relying on the commercial spots to satisfy the residential parking requirements.

Though any business coming in will know the parking situation prior to making a commitment.

Would a long-term lease with the City for parking spaces satisfy the issue?

There is no commercial use that would require on-site parking at this location.

C. Parker gave an example of another project where the board required leased spaces at the City lot.

Much discussion occurred to understand the current parking regulations.

Motion: D. Ciotti made a motion to reconsider the vote. Seconded by M. Sullivan. Vote: U/A



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Motion: F. Torr made a motion that the Board approve the Site Plan application with staff recommended conditions with the amendment that a parking management plan be provided. Seconded by D. White.
Vote: 8-1 with D. Ciotti opposed.

The board took a 5-minute recess.

The Vice Chair noted that items B and C would be heard together.

- B. Consideration and acceptance of a Conditional Use Permit for Summit Land Development, Assessor's Map K, Lot 19, zoned IT and RCM, located at Pointe Place. (Proposal is to construct a mixed use/multiple building project (P20-32) which will impact wetland buffers by 3,850 sf) .* (P20-31)
- C. Consideration and acceptance of a Site Review for Summit Land Development, Assessor's Map K, Lot 19, zoned IT and RCM, located at Pointe Place. (Proposal is to construct one (1) mixed-use building, one (1) residential apartment building, and seven (7) townhouse buildings totaling 114 residential units and 15,000 sq. ft. commercial space).*(P20-32)

C. Parker explained the applicant is requesting site plan approval for the final phase of development at Pointe Place, which includes two mixed-use buildings, and seven (7) townhouse buildings totaling 114 residential units and 15,000 sq. ft. commercial space with 256 total parking spaces. The site is proposed to be serviced by municipal water and sewer.

The development requires wetland buffer impact of 2,125 square feet for a parking lot, a wetland buffer impact of 900 square feet for a drainage outlet, and a wetlands buffer impact of 825 square feet for a public ball field.

Some impacts are under a relocated Eversource easement that allows parking but not structures. One is for the driveway to provide fire access. A detailed storm water maintenance and inspection plan has been submitted to the City and DES.

This application was reviewed by the Technical Review Committee on June 4, 2020, had a second TRC on July 9th. The Conservation Commission reviewed the CUP application at its July 13th meeting and endorsed it with no conditions of approval.

Similar in design to the last two phases of Pointe Place, this project has multiple buildings with a mixture of townhouses and residential units over commercial uses. The roadway network connects with the existing roundabout and there is an internal walkway system and connected landscape and drainage elements.

As this project has evolved, the traffic has been reviewed, and the proposed controlled intersection at Dover Point Road has been considered. As with the Phase IV approvals, this project ties the development of the upgrades to the approval.

Abutters have expressed concerns about landscaping so a fencing system will be required, and a berm will be included.

Corey Beldon, Altus Engineering and Chad Kageleiry, Summit Land Development, represented the application and discussed the plat. This phase will complete the master plan development that was started in 2005.



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

Public hearing opened.

Kendree Parker, 3 Sierra Hill Drive and President of the homeowners association at the Village of Pointe Place said Chad has been very collaborative and helpful as a neighbor. Drainage, landscaping and privacy are the concerns she iterated for the neighborhood. She suggested:

- as tall a berm as possible with deer-resistant evergreen hedge along the top to give privacy between the neighborhood and the townhomes.
- Consider the drainage for the whole area
- Property pins fully exposed
- Access to repair the swale

Chad Kageleiry noted the drainage issue the abutter mentioned is not relevant to the application presented tonight. There may be some drainage issues on their property from when it was constructed, but no water will come from this project to that neighborhood.

A variety of plantings are proposed for the berm. They are notated in the plans.

He noted he is open to giving access through his property while it is under construction for the abutters to access their drainage area for some maintenance.

He agrees that having the property markers located would be beneficial to everyone.

Joe Gerrity, 40 Sierra Hill Drive noted one berm is 10ft onto his property and the other one is 4ft onto his property. He would like those moved back off his property. The drainpipe was put in by the builder and he believes it's on his property which will be clearer when the berm is moved back.

William Hinton, 39 Sierra Hill Drive said his major concern is to keep as much privacy as possible and have the berm maintained and enhanced with trees. There are drainage issues at his property as well.

Public Hearing closed.

Mr. Beldon addressed public comment. All drainage will drain back onto the subject property. There is not much drainage interconnectivity between the lots.

The existing berm will be flattened out a bit on top and white spruce trees will be added.

Consistency with Land Use Regulations

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.

Chapter 170-27.2 allows for the purchase of density by a property owner if the Board finds that it is in keeping with the surrounding context and Master Plan. This project has used TDR for two previous phases. Please see the attached TDR memo.

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.



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STAFF RECOMMENDATION - CUP:

The Planning Department recommends the Planning Board accept the application, open the public hearing, and vote to approve the Conditional Use Permit with the following condition:

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

1. The Board approves P20-32

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

STAFF RECOMMENDATION - TDR

The Planning Department recommends the Planning Board to accept the application, open the public hearing, and vote to grant the sale of density with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. The applicant shall add a note to the plan set that the Board found the proposed use of TDR met the criteria laid out in 170-27.2
2. Payment of the TDR fees (\$89,832)

Motion: T. Clark made a motion that the Board approve the sale of density with staff recommended conditions. Seconded by D. Landry. Vote: U/A

STAFF RECOMMENDATION - Waiver:

The Planning Department recommends the Planning Board to accept the application, open the public hearing, and vote to approve the waiver with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. A note shall be added to the plan indicating the need for the waiver and what was granted

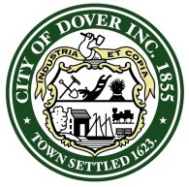
Motion: T. Clark made a motion that the Board approve the Waiver request with staff recommended conditions. Seconded by D. White. Vote: U/A

STAFF RECOMMENDATION - Site Plan:

The Planning Department recommends the Planning Board to accept the application, open the public hearing, and vote to approve the Site Plan with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. The conditional use permit (P20-31) shall be approved.
2. The applicant shall provide:
 - a. A digital version of plan set
 - b. Correspondence to the Stabile Company and the Sierra Hill Drive Association noting the verbal allowance to access the swale area for repairs/maintenance, before construction begins on Phase V.
3. The applicant must revise final plan set to:
 - a. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
 - b. Add LLS, PE, Landscape Architect, and Architect signatures and stamps to final plan
 - c. Add the post plan signing conditions of approval to sheet GN1



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- d. Update the State and Federal Permit information
- e. Increase the screening between the townhouses and single family homes along the berm to the satisfaction of the Assistant City Manager.
4. The previously approved agreement on the design and implementation of a traffic control device at Pointe Place and Dover Point Road shall be amended and updated to include this phase, and agreement that if the project is constructed prior to the 4th building on Phase IV or Vehicular Refueling Station, the traffic control shall be installed.

Conditions to Be Met Prior to any Construction Activity:

5. 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.
6. Develop a phase plan for the site work, which identifies responsibility for installation of the site improvements, acceptable to 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. Prior to the issuance of a building permit for Building 7, the Planning Board will conduct an architectural compliance hearing and approve the design.

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. If the traffic control device at Pointe Place and Dover Point Road has not been installed, the applicant shall install it.
12. 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 that the Board approve the Site Plan application with staff recommended conditions. Seconded by H. Harmon. Vote: U/A

The Vice Chair noted that items D and E have asked to be continued until August 25 and will not be heard.

- D. Consideration and acceptance of a Minor Subdivision for Hawkins Family Revocable Trust, Matthew A. Hawkins, Trustee, Assessor's Map 12, Lot 113, zoned Heritage Residential, located at 119-121 Belknap Street. (1 new lot) *(P20-42)

Motion: H. Harmon made a motion that the Board Continue the application until August 25th. Seconded by T. Clark. Vote: U/A

- E. Consideration and acceptance of a Conditional Use Permit for Hawkins Family Revocable Trust, Matthew A. Hawkins, Assessor's Map 12, Lot 113, zoned Heritage Residential, located at 119-121 Belknap Street. (Proposal is to allow a new building lot with 8,076 s.f. where 10,000 s.f. is required).*(P20-43)

Motion: H. Harmon made a motion that the Board Continue the application until August 25th. Seconded by D. White. Vote: U/A



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- F. Consideration and acceptance of an amendment to a previously approved Subdivision using Transfer of Development Rights for R.V. Paolini Construction LLC, Assessor's Map M, Lot 6, zoned R-40, located at 56-58 Dover Point Road. (Proposal is to remove 2 units and update the architecture of one of the approved units.) *(P18-45A)

C. Parker explained that on December 11, 2018 the applicant received approval subdivide a lot into eight (8) new lots. The parent lot would have an existing two homes remain on it and six new limited common area lots would be created. No homes have been constructed, since the approval.

The applicant seeks to amend the project to reduce the new unit count by 2, merging limited common areas to abutting common areas. This would result in 5 new units.

A condition of approval was that the renderings provided were used. The applicant seeks to use adjusted renderings.

Christopher Berry, Berry Surveying and Engineering, represented the application and discussed the changes. He noted the home styles they originally proposed are not what buyers are looking for. They've worked with the applicant to design a more modern looking style that is more marketable and are looking for board approval of those.

They are also proposing a reduction of units due to the proposed style change. Without the reduction, the project would be overbuilt for the neighborhood.

Discussion ensued regarding the board's authority towards architectural style. They do not really have a say, but since the original drawings had been presented as part of the original presentation when the board approved the project, new design were shown tonight.

Motion: D. Ciotti made a motion that the Board accept the application. Seconded by M. Sullivan.

Vote: U/A

Public hearing opened.

No one spoke and no comments were received to the office 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 Signing of Plans:

1. The applicant shall provide an updated digital version of the plan to the Planning Department.
2. The applicant shall provide updated homeowners association documents to be reviewed and approved by the Assistant City Manager in consultation with the City's General Legal Counsel. Documentation shall include common space, roadway, perimeter screening, stormwater infrastructure maintenance/operation, and deed/easement requirements per Section 170.27.2.
3. The applicant shall revise the updated plat to:
 - a. Add the owners' signatures
 - b. Add the Licensed Land Surveyor, Professional Engineer, stamps and signatures
 - c. Note the revised renderings or similar will be utilized on the site.



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Conditions to Be Met Prior to Any Construction Activity:

4. As per the original Notice of Decision dated December 13, 2018.

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

5. As per the original Notice of Decision dated December 13, 2018.

Conditions to Be Met Prior to Issuance of a Certificate of Occupancy:

6. As per the original Notice of Decision dated December 13, 2018.

Motion: T. Clark made a motion that the Board approve the Amendments to the Subdivision application with staff recommended conditions. Seconded by D. White. Vote: U/A

STAFF COMMENTS

- Lot merger form for 66 Third Street
 - D. Ciotti made a motion to authorize the Chair to sign the form. Seconded by J. Kaspari. Vote: U/A
- Lot merger form for 97 Drew Road
 - D. Ciotti made a motion to authorize the Chair to sign the form. Seconded by H. Harmon. Vote: U/A
- Results of the Digital Vs Paper Survey was mentioned, but not discussed tonight.
- Coastal Resilience Grant support letters.
 - D. White made a motion to authorize the Chair to sign two support letters which she will draft with C. Parker. Seconded by T. Clark. Vote: U/A

MEMBER COMMENTS

- F. Torr thanked the citizens on Belknap for participating in tonight's meeting.

ADJOURNMENT

Motion: F. Torr made a motion to adjourn at 9:47 p.m. Seconded by D. White. Vote: U/A