



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, August 25, 2020**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Dennis Ciotti (Councilor), Matt Sullivan, Dave White, Jackson Kaspari, Ellen Ianello (Alternate), Frank Torr, Tom Clark, Lisa McGunnigle (Alternate)

Members Not Present (excused): Hayley Harmon (Vice Chair), Erin Allgood (Alternate), Dave Landry

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 Lisa McGunnigle will be sitting in for Dave Landry, and that Ellen Ianello will sit in for Hayley Harmon, with Matt Sullivan acting as Vice Chair. The Chair noted that items 4A and B will not be heard tonight and will be continued to September 22 with new notices.

CITIZENS' FORUM

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

APPROVAL OF THE PRIOR MINUTES

- July 28, 2020 Regular Meeting Minutes

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

OLD BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for Chad & Heather Holleman, Assessor's Map L, Lot 11, zoned R-20, located at 21 Nute Road. (Proposal is for a new single family house to replace an existing house adjacent to the tidal Bellamy River, with 5,190 sq. ft. of permanent tidal buffer zone impact and 4,167 sq. ft. of temporary tidal buffer zone impact). *(P20-10)

Motion: D. White moved to remove the item from the table. Seconded by J. Kaspari. Vote: U/A

C. Parker explained the applicant appeared before the Board in February requesting a Conditional Use Permit to build a new single family house and accessory dwelling unit adjacent to the tidal Bellamy River with 5,190 s.f. of permanent tidal buffer zone impact and 4,167 s.f. of temporary tidal buffer zone impact.

The Conservation Commission endorsed this new plan on February 10, 2020, and the Planning Board tabled the application on February 25, 2020 asking the applicant seeking info on the public roadway/Nute Rd ownership, storm water management and how to minimize the impact of the accessory structure.

The applicant worked with staff to remove the driveway to the accessory structure, add plantings around the buildings and reduced the footprint of the accessory structure from 625 sf to 375 sf. Finally, the applicant submitted an easement document for the Public to use the portion of Nute Road that traverses the applicant's property.

Heather Holleman, owner, represented the application and noted they have addressed all of the issues that were previously brought up by the board in February.



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Public hearing opened. No one spoke. C. Parker noted he spoke to one abutter about the application, but that person was not present at the public hearing.

Public Hearing closed.

C. Parker noted the Conservation District ordinance provides for Conditional Use Permits to allow impacts to the Conservation District (within 100' from River) if standards related to demonstration of need, avoidance, minimization, and mitigation are met. Staff believes the plan meets those requirements, and recommends the Planning Board approve the application with the following conditions:

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

1. The applicant shall provide a copy of the NHDES Wetland and Shoreland permits to the Planning Department.
2. The applicant shall formally petition the City Council to accept the easement for the public to pass and repass over the portion of Nute Road that is on Map L lot 11.

M. Sullivan noted he appreciates the modifications the applicant has made to the proposal.

Motion: M. Sullivan made a motion that the Board approve the Conditional Use Permit application with staff recommended conditions. Seconded by F. Torr. Vote: 8-1 with T. Clark opposed

NEW BUSINESS

- A. 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 9,633 s.f. where 10,000 s.f. is required).*(P20-43)
The applicant has asked for a continuation.

Motion: D. White made a motion that the Board Continue the application until September 22nd. Seconded by T. Clark. Vote: U/A

- B. 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)
The applicant has asked for a continuation.

Motion: D. White made a motion that the Board Continue the application until September 22nd. Seconded by T. Clark. Vote: U/A

- C. Consideration and acceptance of a Minor Subdivision for Pointe West, LLC, Assessor's Map K, Lot 19, zoned IT and RCM, located at Pointe Place. (2 new lots) *(P20-48)

C. Parker explained the applicant received site plan approval for this lot on July 28, 2020 for the final phase of development at Pointe Place. The lot lines match areas from the site plan. The site is proposed to be serviced by municipal water and sewer.

As a Minor Subdivision, this application did not appear before the TRC.



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Kevin McEneaney, McEneaney Survey Associates, represented the application and discussed the plat. The proposal is to subdivide one lot into three lots. Lot A will contain one mixed use building and be 2.74 ac, Lot B will contain the seven townhouses and be 2.31 ac and Lot C will contain the other mixed use building and be 3.45 ac.

Motion: F. Torr moved to accept the application. Seconded by E. Ianello. Vote: U/A

Public hearing opened. No one spoke. No emails or calls were received to the office for this item.

Public Hearing closed.

C. Parker noted the plan is consistent with Chapter 157-15 of the City's Land Subdivision Regulations, which provides for subdivision of existing lots. Staff recommends the Planning Board approve the application 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. Provide a CAD file to the satisfaction of the Asset Management Administrator's satisfaction.
3. The applicant shall revise the plat to:
 - a. Add signature and stamp of LLS
 - b. Add owners' signatures for recording at Strafford County Registry of Deeds.
 - c. Add the IT setbacks to lot A
 - d. Add the minimum lot size and frontage information

Conditions to be Met Prior to the Issuance of a Building Permit:

4. Any outlined in the Notice of Decision for P20-32

Conditions to be Met Prior to Occupancy:

5. Any outlined in the Notice of Decision for P20-32

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

- D. Consideration and acceptance of an Amendment to a Previously Approved Subdivision Plan for Michael Pottier, Assessor's Map L, Lot 89G, zoned R-20, and located at Shore Lane. (Request is for a waiver to not have street trees as required by 155-35E) *(P07-39A)

C. Parker explained that on October 23, 2007, the Board conditionally approved the application for a subdivision of a mostly vacant 12.1 acre lot at 202 Dover Point Road. The plan was signed in October of 2010. The approved plan created a new public street, Shore Lane, which has 14 homes on it. The subdivision plan notes that 15 trees (8 on one side, 7 on the other) are to be planted, along the Right of Way, near the driveways. The trees would 2.5" caliper at 4'.

The applicant, who is a resident and not the builder/developer, is requesting a waiver to not include any street trees and instead, have the developer donate monies towards recreation funding. The main concern raised is that the trees could block view sheds for homes.

Chapter 155-36 (from the then code): noted: "Any new street that is the result of a major subdivision shall include the planting of no less than one shade tree per 60 feet of frontage within the Right of Way in front of all developed lots where residential development is to take place." This section, now 157-35E, has been expanded over the last 13 years so that it stipulates:



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- 1 tree every 35 feet,
- minimum of 8' tall,
- 3.5" minimum caliper
- Integrated with stormwater management
- Biodiversity and native plantings are required

Rick Smart, 25 Shore Ln, represented the application and discussed the waiver.

The neighbors would rather not have the trees as proposed. It does not work for that area. There is a very steep grade and ice on the road is often an issue. Added trees would create more shade and increase the problem. Added salt on the road could have detrimental effects on the nearby river.

The homeowners were unaware of this condition when they purchased their homes. The properties have irrigation systems and invisible pet fences in place that would be costly to dig up and rearrange.

The road was recently paved and the addition of trees and tree roots would eventually damage the road and sidewalks incurring additional costs to the town.

C. Parker noted the trees are meant to be planted in the City right of way- not on private property so there shouldn't be irrigation and fencing in that area.

C. Parker explained for L. McGunnigle why the City changed the landscape ordinance so significantly.

Motion: F. Torr moved to accept the application. Seconded by L. McGunnigle. Vote: U/A

Public hearing opened.

Mark Long, 4 Shore Ln has concerns of losing any view he currently has of the water. He does not wish to maintain any additional trees on/near his property.

Amber Montecalvo, 16 Shore Ln agreed with all comments her neighbors mentioned.

C. Parker noted no emails or phone calls were received for this item.

Public Hearing closed.

C. Parker noted Chapter 157-51 states a waiver may be granted if the Board finds that

“(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or

(2) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.”

Staff does not believe the criteria have been met and recommends the Planning Board deny the waiver.

D. Ciotti asked about ownership of the development.

Mr. Smart confirmed there will be an HOA. There is common property at the top of the road.

D. Ciotti wondered how a resident could appeal a decision that came from an application with the city and a developer.

C. Parker clarified the developer did sign the application.



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F. Torr noted perhaps salt should not be used on that road due to the concerns raised. The original home had ice issues with the road there as well.

T. Clark was on that road today and it was obvious to him there should have been trees along the road and there weren't. The waiver request argument has not risen to the level where he would support it.

Motion: T. Clark made a motion that the Board deny the waiver, as it there is no designated hardship or special conditions for the property. Seconded by D. Ciotti.

Chair Cruikshank agreed with Mr. Clark and believes the board should not set precedence by letting the road have no trees.

Vote: U/A

- E. Concept review of a Request to use Transfer of Development Rights to Amend a previously approved Subdivision for Robert Baldwin, Assessor's Map I, Lot 30, zoned R-40, located at 144 Mast Road. (Proposal is to purchase two additional units, where the applicant previously was approved to purchase three units via TDR – 5 total)*(P20-35A)

C. Parker explained the applicant received approval from the Board on June 23, 2020 to purchase 3 TDR units on a parcel. Per Chapter 170-27.2.G(3)(a), the applicant is requesting that the Board vote on the plan indicating an additional 2 lots can be created and one unit on each lot can be built.

As the application will move from a minor subdivision to major subdivision and require TRC, staff recommended the applicant request conceptual review of the 2 additional units before they fully re-engineer the plan, and make the adjustments that would be necessary under the expanded major subdivision layout (following OSS requirements).

Christopher Berry, Berry Surveyor and Engineer, represented the application and discussed the plat. When they went to the site to stake out the proposal, they realized the massing was too large for the site. All proposed units will now be no larger than 1400 sq. ft. Since one of the units needs to be sprinkled, they looked at the infrastructure needed, and it made sense to add the additional unit.

Typically, they would submit a full set of plans prior to meeting with the board, but this situation is a little different so they're asking the board to look at the new proposal before they spend the money on the new plans. After this review, they will come back with a final site plan and major subdivision design.

D. Ciotti wondered if they considered having one driveway that curves around to service all units. Mr. Berry noted you can't have more than four units on a single driveway without it becoming a roadway. They want to keep the site looking quaint and keep the curb cuts minor.

Motion: D. Ciotti moved to accept the application. Seconded by F. Torr. Vote: U/A

Public hearing opened. No one spoke and no emails or phone calls were received for this item.

Public Hearing closed.



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C. Parker noted 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 plan indicating the TDR subdivision which is treated as Site Plan for the TDR Regulations.

The Planning Department recommends 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. Payment of the TDR fee (\$17,870)

Conditions to be Met Prior to Signing of the Plans:

2. The applicant shall return to the Planning Board with a revised major subdivision plan.

Motion: F. Torr made a motion that the Board approve the sale of density through the TDR process with staff recommended conditions. Seconded by E. Ianello. Vote: U/A

- F. Consideration and acceptance of an Extension Request to use Transfer of Development Rights for a Subdivision for DRVP Development, LLC., Assessor's Map 14, Lot 10-G, zoned R-12, and located at Cataract Avenue. (Proposal is to subdivide one lot into 12 by purchasing 1.5 units through TDR and building 10 new single family homes). *(P19-80A)

C. Parker explained the applicant received approval from the Board on February 25, 2020 the Board approved the application for a subdivision of a vacant 5.25 acre lot on Cataract Ave. The application requested and received a 90 day administrative extension in May, with an end date of August 25th.

Due to the ongoing pandemic the applicant has been delayed in receiving their Wetlands and Shore land permits.

The applicant is requesting a 120 day extension for the condition of approval to be met.

Christopher Berry, Berry Surveyor and Engineer, represented the application and discussed the plat. Approval was received in February 2020 and then due to the pandemic, everything was put on hold for a few months. Permits were not sought during this time. Alteration of Terrain approval was just received this week, so they are on track to finalize the project. The wetlands permit will be filed in the next week. Within 30-45 days they should have approvals for all permits. This extension should allow ample time to meet condition for approval.

Motion: D. White moved to accept the application. Seconded by F. Torr. Vote: U/A

Public hearing opened.

No one spoke. C. Parker noted one email from William Jacobsmeyer, who attended the meeting in February.

Public Hearing closed.

C. Parker noted Chapter 157-13 of the Land Subdivision Regulations of the City Code provides that an applicant who receives approval for a subdivision shall have 90 days to complete the conditions of approval. Staff may approve one additional 90 day period, after that the Board needs to review and act.



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The Planning Department recommends the Planning Board vote to approve a 120 day extension to meet the conditions of approval.

Motion: D. White made a motion that the Board extend the time to meet the conditions of approval for an additional 120 days from August 25, 2020. Seconded by T. Clark. Vote: U/A

STAFF COMMENTS

- Lancaster Street private road single family home lot.
- TRC for 221 Central Avenue, and Littleworth Road storage facility
- Expectation is that we'll see three projects at TRC in September

MEMBER COMMENTS

None

ADJOURNMENT

Motion: D. White made a motion to adjourn at 7:56 p.m. Seconded by D. Ciotti. Vote: U/A