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City of Dover, New Hampshire

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

TO:	Planning Board Members
FROM:	Planning Department Staff
DATE:	August 22, 2008
SUBJECT:	Staff recommendations for agenda items for the August 26, 2008 Planning Board Meeting

4. New Business

A. Public Hearing to consider amendments to Chapter 155, entitled "Subdivision of Land" and Chapter 149, entitled "Site Review Regulations" of the code of the City of Dover.

The Planning Department recommends holding the public hearing on the items posted on August 12, 2008 as well as those posted in May and July.

B. Consideration and acceptance of a Conditional Use Permit for Pashalis Doukas & Hefila Doukas, Assessor's Map 22, Lot 41-5, zoned R-12, located at 10 Nantucket Court. (P08-26)

The applicant is requesting to leave fill that has been placed in the backyard within the 50-foot wetland buffer and within 20 feet of the wetland. This lot was created in 2004 and a significant portion of the rear of the parcel is wetlands or wetlands buffer. The applicant appeared before the Conservation Commission on August 4, 2008 regarding the Conditional Use Permit (see e-mail from Tom Fargo). The Conservation Commission voted to not endorse the application.

The Planning Department recommends denying the Conditional Use Permit because the applicant has not demonstrated the need for the fill, the fill was placed without a permit, no erosion and sediment control plan was submitted, and the Conservation Commission did not endorse the application.

C. Consideration and acceptance of a minor lot line adjustment of land for Hampshire Controls Corp (Owners: Anthony Consentino Revocable Trust & Boston & Maine Railroad c/o Guilford Trans), Assessor's Map 31, Lots 4 & 11. (P08-28)

Please remember to bring the application materials for this project from the last meeting.

The applicant has requested a waiver from Chapter 155-18-B (5), which requires a survey for both lots. Given the small amount of land being transferred between lots and the size of the

railroad lot, the Planning Department supports the waiver request. The Planning Department recommends approval of the lot line adjustment plat with the following conditions:

1. Add the owners' signatures to the application form and the plat.
2. Add the surveyor's stamp and signature to the plat.
3. Provide the Planning Department with a digital version of the plat.
4. Revise the plat to add the Planning File Number (P08-28) to the title block on all sheets.
5. Revise the plat to add the tax map and lot number to map 31, lot 11.
6. The approval includes the granting of the requested waiver for the reasons stated by the applicant and the Planning Department.

D. Consideration and acceptance of a minor subdivision of land for Richard & Kathleen Knox, Assessor's Map I, Lot 14, zoned R-20 & RM-20, located on 86 Durham Road. (P08-33)

The Planning Department recommends approval of the minor subdivision plat with the following conditions:

1. Add the owners' signatures to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. Revise the plat to add the Planning File Number (P08-33) to the title block on all sheets.
4. The applicant shall revise the plat by adding the label "proposed lot line" to the new lot lines.
5. The applicant shall remove the pool that encroaches on the proposed property line and provide a letter certifying said removal.
6. Any new dwelling unit shall be subject to any impact fees or water and sewer investment fees in place at the time of building permit application.

E. Consideration and acceptance of a minor subdivision of land and Conditional Use Permit for David Sullivan, (Owner: Edmund Vachon) Assessor's Map I, Lot 83, zoned R-12, located on Spruce Lane/Garrison Road. (P08-35) (2 lots)

This application was conditionally approved by the Planning Board on June 12, 2007. The Planning Director granted a 90-day extension as provided for by Chapter 155-14A on October 22, 2007, bringing the extension to December 12, 2007. The applicant never completed the conditions of approval or requested an extension from the Planning Board.

The Planning Department recommends approval of the minor subdivision plat and Conditional Use Permit with the following conditions:

1. Add the owners' signature to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. Add the surveyor's stamp and signature to the plat.
4. Revise the plat to add the Planning File Number (P08-35) to the title block on all sheets.
5. The applicant shall revise the plat to show all utilities abutting the parcel (sewer and drainage) and show how the new lots will tie into the sewer system.
6. The Conditional Use Permit is approved with the conditions that the deeds for each lot contain a section that puts the buyer on notice that the lot contains wetlands and buffers that are protected by Chapter 170-27.1 and that the wetlands and buffers are delineated on each lot.
7. The applicant shall submit the proposed wording for the access easement to the Planning Department for review prior to the signing of the plat.

8. Any accessory building located within ten feet of a proposed property line shall be removed prior to signing of the plat.
9. Any new dwelling unit shall be subject to any impact fees or water and sewer investment fees in place at the time of building permit application.

F. Compliance public hearing per RSA 676:4-I (i) to determine if the conditions of approval from the Planning Board meeting of October 23, 2007 have been met for a major subdivision of land for Dover Point Properties Development, LLC, Assessor's Map L, Lot 89G, located at 202 Dover Point Road. (P07-39) (14 lots)

The Planning Board conditionally approved the application on October 23, 2007 (see letter dated October 31, 2007 enclosed). The Planning Board decision was appealed to Superior Court by two sets of abutters. On July 11, 2008, the court ruled that the Planning Board decision was not final until the Planning Board holds a compliance public hearing per RSA 676:4-I (i), to determine if condition #12 has been met (see Notice of Decision previously distributed). The court also mentioned condition #13 regarding the drainage maintenance plan in the decision but did not specifically find that it was a condition precedent. In preparation for the hearing, letters were obtained from the City Engineer and Environmental Projects Manager to address conditions #12 and #13 (see enclosed letters). It is the Planning Department's opinion that all of the conditions of approval from October 23, 2007 have been complied with.

G. Consideration and acceptance of a minor subdivision of land for Ridgewood Realty (Owner: Boston & Maine Railroad), Assessor's Map 24, Lot 2A, zoned RM-10 located on Forest Street. (P08-34)

The Planning Department recommends approval of the minor subdivision plat with the following conditions:

1. Add the owners' signatures to the plat.
2. Add the surveyor's stamp and signature to the plat.
3. Provide the Planning Department with a digital version of the plat.
4. Revise the plat to add the Planning File Number (P08-34) to the title block on all sheets.
5. The applicant shall revise the plat by adding the label "proposed subdivision line" to all new lot lines.
6. The applicant shall revise the plat to add the amount of non-wetland lot area for lot 2A-1.
7. Any new dwelling units shall be subject to any impact fees or water and sewer investment fees in place at the time of building permit application.

5. Old Business

A. Consideration and possible vote on an amendment to conditions of approval (remove 55+ age restriction) for a previously approved (June 14, 2005) open space subdivision of land for Tolend Road Properties, LLC, Assessor's Map G, Lot 24J, zoned R-20, located on Tolend Road. (72 units) (P03-36)

As requested by the Planning Board, the Planning Department has compiled information on school enrollment history, accident data from the Police Department, and an analysis of the traffic study by the Planning Department. This information is enclosed.

The Planning Department recommends that the Planning Board agree to amend the previous approval to remove the 55+ age restriction with the following conditions:

1. The applicant shall agree to pay the full amount of the school impact fee in place at the time the building permit is granted.
2. The applicant shall revise the homeowner's association documents so that they are consistent with the removal of the 55+ age restriction.
3. All other original conditions of approval from June 14, 2005 shall remain in full effect.

B. Discussion of Site Review/Subdivision Proposals

Included in this packet are the proposed subdivision and site plan proposals. Staff recommends voting on all proposed amendments at this time.

C. Consideration and possible vote on a site plan of land for Churchill Realty Trust (Owners: Granite Village Apts., Rollinsford) Assessor's Map 38, Lot 12, located on Old English Village Rd. (63 units)(P05-07)

Please remember to bring the application materials for this project from the last meeting.

This item was conditionally approved at the August 13th, 2008 Rollinsford Planning Board meeting (see enclosed draft conditions of approval). The Planning Department recommends approval of the site plan with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. Add the owners' signatures to the plan.
2. Revise the plat to add the Planning File Number (P05-07) to the title block on all sheets.
3. The applicant shall comply with the conditions of approval specified by the Rollinsford Planning Board.
4. This approval is subject to the Dover Utilities Commission granting a franchise for the extension of municipal water and sewer into Rollinsford.

Conditions to Be Met Prior to Issuance of an Occupancy Permit:

5. The applicant shall be responsible for the preparation of engineered plans for and construction of the off-site transportation improvements to the Central Avenue/Old English Village Road intersection and the Central Avenue/Weeks Lane intersection.
6. The applicant shall contribute funds towards the design and implementation of an optimal traffic signal timing, phasing and coordination plan for the Weeks Crossing intersection, Central Avenue/Weeks Lane/Webb Place intersection, and Indian Brook Drive/Weeks Lane/Staples Plaza Drive intersection, in an amount to be determined by the City of Dover. Said plan shall be approved by the NH Department of Transportation.

5. Staff Comments

6. Committee Reports