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City of Dover, New Hampshire

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

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| TO: | Planning Board Members |
| FROM: | Planning Department Staff |
| DATE: | September 5, 2008 |
| SUBJECT: | <i>Staff recommendations for agenda items for the September 9, 2008 Planning Board Meeting</i> |

3. New Business

- A. Consideration and acceptance of a major subdivision of land and conditional use permit for KPRP, 165 Henry Law Ave, LLC, Assessor's Map 21, Lot 5, zoned R-12, located at 165 Henry Law Avenue. (P08-25) (9 lots)**

The applicant appeared before the Technical Review Committee on June 26, 2008 (see enclosed TRC notes). The applicant is scheduled to appear before the Conservation Commission on September 8, 2008. The Planning Department recommends that the Planning Board accept the application, open the public hearing and recess the hearing so that a joint site walk with the Conservation Commission can be scheduled.

- B. Consideration and possible vote on a waiver to Site Review Regulation, Chapter 149-14-B-3, to allow overhead electric lines in a previously approved (July 7, 1987) site plan (Dunn's Bridge) for California Property Management Inc., Assessor's Map I, Lot 19 & 20A-2, zoned R-20, RM-20 & RM-12, located on Durham Road (Route 108) (P87-14).**

This multi-family site plan was approved by the Planning Board in 1987 and all but one 24-unit building was built. The 24-unit building is now under construction and the owner is requesting that the Planning Board waive the site review regulation that requires underground electric lines.

This application will not be heard and should be postponed until the September 23, 2008 meeting so that the applicant can prepare more complete information justifying the request.

4. 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, located on Tolend Road. (72 units) (P03-36)**

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

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 was enclosed in the previous packet.

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. Consideration and possible vote on 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)

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

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 Board tabled this application on August 26, 2008. The applicant has submitted revised plans for your review. 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. 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.
5. The applicant shall submit the proposed wording for the access easement to the Planning Department for review prior to the signing of the plat.
6. The house and any accessory building located within ten feet of a proposed property line shall be removed prior to signing of the plat.
7. 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.

C. 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)

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

The Planning Board conditionally approved the application on October 23, 2007. 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.

The Planning Board tabled the issue at the August 26, 2008 meeting. Dave White, City Engineer, has submitted a new memo regarding condition #12 and will attend the meeting to address condition #12. It is the Planning Department's opinion that all of the conditions of approval from October 23, 2007 have been complied with.

D. Consideration and possible vote on 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)

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

The Planning Board tabled this application on August 26, 2008. The applicant has submitted a letter addressing the survey issue raised by the abutter (enclosed). A boundary dispute is a civil issue between the property owners and the Planning Board should proceed with the application. 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.

E. Consideration of a request to amend a condition of approval (remove condition that off-site transportation improvement plans be finalized prior to the issuance of building permits) for a previously approved (March 13, 2007) site plan of land for Changing Places, LLC (Owner: Elliott Rose Company of Dover, Inc.) Assessor's Map M, Lot 4, zoned R-12, located on Middle Road. (P06-55)

On March 13, 2007, the Planning Board approved this project with 14 conditions, among them condition #5, which reads as follows:

"The applicant shall prepare detailed, engineered off-site transportation improvements plans for review and approval by the City Engineer and Planning Department, prior to the issuance of a building permit."

The owner has submitted an e-mail requesting to amend this condition (see enclosed e-mail).

As per previous discussions regarding these types of requests, the Planning Board should hear the request and determine if you wish to accept the request. If so, then a public hearing will be held at the next meeting and abutters will be notified by certified mail.

5. Staff Comments

6. Committee Reports