

CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820  
Meeting Date: Tuesday, February 26, 2008  
Meeting Time: 7:00 pm

**REGULAR MEMBERS PRESENT:** Ron Cole, Marcia Colbath, Dean Trefethen, Frank Torr, Donald Andolina, Tony McManus, John Swartzendruber

**REGULAR MEMBERS ABSENT:** Doug Steele, Perry Plummer

**ALTERNATE MEMBERS PRESENT:** Linda Merullo, Kirt Schuman

**ALTERNATE MEMBERS ABSENT:** Ron Stock

**STAFF PRESENT:** Bruce Woodruff, City Planner and Jacqueline Pease, Recording Secretary

Chairman Ron Cole brought the meeting to order at 7:04 pm.

Linda Merullo sat in for Perry Plummer and Kirt Schuman sat in for Doug Steele

### 1. Citizens' Forum

There were no speakers

### 2. Approval of minutes of the workshop of 2-12-08.

Don Andolina made the motion to approve the minutes.

Frank Torr seconded.

**VOTE U/A**

### Approval of the minutes of the meeting of 2-12-08.

Donald Andolina made the motion to approve the minutes.

Tony McManus seconded.

**VOTE U/A**

Chairman Cole asked that **Item 4. Old Business A. Discussion and vote on a lot line adjustment for Doug Dodd, located on Cardinal Drive. (P08-01) be brought up first.**

Frank Torr made the motion to take the item off the table.

Kirt Schuman seconded.

**VOTE U/A**

Marcia Colbath, stated she read Atty. Schulte's letter and there are a couple of bits of misinformation to her recollection. The Conservation Commission did not recommend approval of the request as the letter states. In her memory they did not vote on this request. They appeared before the commission and



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realized they were not actually impacting the Conservation Easement, therefore did not need anything from the Commission. They did not vote or give their opinion. Her personal opinion is that the members were uncomfortable with the situation.

Paul Connolly said he had no direct response and felt there was a miscommunication of some sort. The location of the deck and that there would be no disturbance of ground within the 100 foot Conservation District was discussed at the Conservation Commission meeting. The Commission did not weigh in one way or the other with regard to the lot line adjustment. Since they were before this Board a month ago, the applicant had Atty. Jim Schulte draw a warranty deed for lot 35 E. It addressed the fact that a portion of the premises would be encumbered by a conservation easement. The deed was sent to the City Attorney. To the best of his knowledge, the City Attorney reviewed the document and was ok with the language.

Bruce Woodruff said that he is aware the Building Official ruled that the cantilevered deck does not impact the ground. He is aware that the City Attorney is in agreement with the wording that is in line with the proposed condition that the applicant shall utilize the wording in the proposed warranty deed, submitted by Attorney Schulte, when the lot is transferred. He said that Mr. Bird said that the Conservation Commission did recommend approval but we did not have anything in writing. Maybe his recollection is wrong.

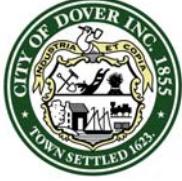
Ron Cole asked if the Board felt comfortable taking action on this item.

Marcia Colbath said, maybe, the Board should look at the item because it is not actually impacting the easement. It bothered her that it was misinformation.

Donald Andolina said that he was troubled. In his mind, if a neighbor wanted to build a deck on the second floor and that deck was going over his property, he sees that as an infringement. There is nothing that defines how high the conservation easement goes.

Linda Merullo said that she sat on this the last time it was before the Board and she came to the realization that the people are probably going to put their lawn chairs somewhere, and it's hard to find fault and say that the developer probably should have realized that they were pushing the envelope. She felt if the Board gave its approval; it would conserve the conservation area because these people would probably be sitting there anyhow. There are no poles in the conservation area. It is in the air space.

Paul Connolly said there are two different conservation topics. One is the conservation easement that the City presently has over all the open space land. There is absolutely no touching of that land or projection over that land by the deck. The projection of the deck is over the conservation district and that is the 100' district associated with the edge of the river. The deck will hang over about 3 feet.



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Linda Merullo felt it was not that large a detriment to vote no on this. She is willing to give this her approval. She doesn't think it is impacting the land and hopefully in the future, developers will allow for decks, porches, garages and pools and won't push it to the limit of the landscape area.

Marcia Colbath said she has a problem. It's a nice development but she thinks that we will see a lot of envelopes that are too small for the houses that people will want to put on them. They will want to increase the building envelope or impact an easement. It will start something she doesn't want to see.

Kirt Schuman said he shares Marcia's concern. It is a larger issue. He said the Master Plan says that we need houses that fit lots and not building lots for houses. Can't lay blame on anyone, but it is the situation that we are in and it will set a precedence if it is granted.

Ron Cole said it's the first time we run into this. He was inclined to approve the application and at the same time send a message that the next time that a developer comes to the Planning Department; he can be made aware that this type of thing will not fly. At this point, he felt it should be approved.

Dean Trefethen said that it is logical to assume that something will go into the back yard next to the river and it is the hope that they will stay out of the 100' conservation area, but it is a very hard thing to enforce. It is his understanding that it is a walk out basement and they could put a patio down and no one would ever detect it and it would amount to the same thing or more than the deck would. He is not sure that this is a precedence. Decks are allowed 3 feet into the setback on a daily basis. It is a setback of a different kind but a setback none the less.

Tony McManus said that Dean's argument is a good argument to not approve it. The only proper thing from a planning perspective is to say "no" the first time. You can't put the post within the district but you can hang the deck off the side of the house. You will have houses with 20 or 25 foot decks hanging over the district. The district is there for a reason and we don't have the ability to give someone air rights over a conservation district.

Frank Torr made the motion to approve subject to the following conditions:

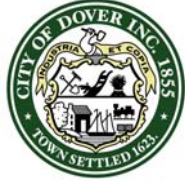
1. Add the owners' signature to the plat.
2. Add the surveyor's stamp and signature to the plat.
3. Provide the Planning Department with a digital version of the plat.
4. The applicant shall utilize the wording in the proposed warranty deed submitted by Attorney Schulte in the deed when the lot is transferred.

Dean Trefethen seconded.

**VOTE 3 – 5**

**Opposed – Tony McManus, John Swartzendruber, Donald Andolina, Marcia Colbath, Kirt Schuman**

**A. Consideration and acceptance of a Conditional Use Application for Carla J. Goodnight (Fritz), Assessor's Map I, Lot 25-C-5, zoned R-20, located on Basils Place.\*(P08-05)**



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Rebecca Davis, represented Carla Goodnight Fritz. She said that the pictures in the packets show the area where the driveway would go across. The pictures were required for the NH DES application that is part of this packet.

Linda Merullo asked if DES has given approval.

Rebecca Davis stated that the Conservation Commission signed off on this application. The application to NH DES has been submitted but approval has not been received as yet.

Frank Torr made the motion to accept.

Linda Merullo seconded.

**VOTE U/A**

The public hearing was opened.

There were no comments.

The public hearing was closed.

Bruce Woodruff said that his understanding is that the driveway will go through poorly drained soils. This is the same as the application that was approved in 1988 by DES as part of the George Demosthenes subdivision. That permit expired in 1991. The Planning Department recommends approval, subject to one condition.

Drairage was discussed. Bruce Woodruff said that the original 1998 design did not call for any culvert pipes.

Don Andolina made the motion to approve with the condition that the applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Wetlands Permit. Dean Trefethn seconded.

**VOTE U/A**

**B. Consideration and acceptance of a minor lot line adjustment of land for Moon River Development Co., LLC, (Owner: Woodwind Farms, LLC) Assessor's Map N, Lot 8-1, zoned R-40, located on 277 Gulf Road.\*(P08-11)**

Dana Lynch, Civilworks, stated that a 10 lot subdivision was approved by the Board at their October 23<sup>rd</sup> meeting. They are proposing a lot line adjustment that will result in eliminating one lot, making it a 9 lot subdivision.

Tony McManus made the motion to accept the application.

Donald Andolina seconded.



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### VOTE U/A

The public hearing was opened.  
There were no cements.  
The public hearing was closed.

Tony McManus made the motion to approve with the following conditions:

1. Add the owner's signature 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. The applicant shall revise the plat to correct the road name to be "saddle Trail Drive".
5. The applicant shall revise the plant to label the mean high water line.
6. The applicant shall revise the plat to add the abutters' names.

John Swartzendruber seconded.

### VOTE U/A

#### **C. Consideration and acceptance of a minor lot line adjustment of land for Summit Land Development (Owner: Double Diamond Holdings North, LLC & Double Diamond Holdings South, LLC) Assessor's Map 15, Lot 21, 22, 23, 40A & 53, zoned R-12, I-1 & O, located on Central Avenue, Locust Street and Fisher Street.\*(P08-12)**

Bruce Woodruff stated that at 3:45 this afternoon, Steve Bird received a call from Bob Stowell indicating that one of the abutters did not receive a notice. He was told that this would require re-notification if the abutter did not waive his rights of that notice.

Chad Kageleiry explained that there was a mistake made in their abutter notification and they will be back in two weeks.

Kirt Schuman made the motion to put that item on the table.

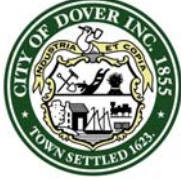
Marcia Colbath seconded.

### VOTE U/A

#### **D. Public Hearing to hear Community Development Block Grant (CDBG) Funding Request for Fiscal Year 2009. All applicants for CDBG funding will be given the opportunity to present their application to the Board.**

Chairman Cole asked the applicants to be brief since the Board had copies of the applications.

Bruce Woodruff indicated that that the packets outline the CDBG budget allocation, the amount anticipated to be received, including program income, and a Community Development program description with the eligible activities. He said that next year's grant will be reduced by \$12,541 over



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the current years grant. In order to maximize the funds available, they have also included some reprogramming of past years' funds not fully expended. Even with the reprogramming, the requests far exceed the available budget. The Public Service Agencies' requests exceed the maximum cap by \$82,927. The funding decisions for agencies and facilities should be based on the established "Priority Ratings" in the City's Consolidated Plan, along with the number of Dover residents the agencies serve for the dollar amount requested.

Chairman Cole explained that he would call the agencies up in the order listed and a workshop would be scheduled prior to the first meeting in March to discuss the allocations of the funds.

Janet Poulin, Director of Human Services, **Dover City Welfare Security Deposits**, explained the program provides emergency financial assistance in the form of security deposits to eligible Dover residents who are currently homeless or in danger of imminent homelessness. She said that the deposit is not returned to the client when they leave their apartment without approval from the City. Sometimes the full amount is returned; sometime they get partial payment because the client has repaid some of the amount, and sometimes nobody gets anything back. **They are requesting \$15,000**

Christian Welch, represented **Community Partners**, stated they provide security deposits and/or first month's rent to homeless individuals and families with mental illness or a developmental disability. They are requesting **\$19,120**.

Linda Merullo asked if this is just for Dover residents.

Christian Welch answered that the CDBG funds are only used for Dover residents.

Bob O'Connell, **My Friend's Place and My Friend's Place Transitional Housing**, said that they are requesting **\$10,000** for emergency shelter and **\$4,000** for a total of \$14,000. He asked to speak for the **Homeless Center for Strafford County**, as he is their treasurer. He stated they are asking for **\$10,500**. He said that people come to My Friend's Place much like they do for the Homeless Center for Strafford County. People stay for about 40 days and families stay a bit longer. The funds are used for paying overnight staff and some of the operational costs, such as fuel, utilities and maintenance. He spoke on how the Homeless Center was started in response to Janet Poulin speaking out to people in Strafford County about the serious problem with homelessness. It was through her leadership that a few of them developed this program. He said that the site is donated by Waste Management and it has many volunteer hours that support the efforts of the program. It has been in operation for approximately 9 years. They are looking to expand through a generous donation from Waste Management, as they let them lease a mobile home. New England Homes donated a duplex to them this past year. They are going through the CDBG process in Rochester looking for funds to purchase land.



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Chris Sterndale, **Cross Roads House, Inc.**, explained they are an emergency and transitional shelter for families and individuals, comparable to My Friend’s Place. They saw a 40% increase in Dover residents last year.

Tony McManus asked if Dover people are going to Cross Roads House because there is not enough room in the Dover facility.

Chris Sterndale stated that the reasons may be because they are working in the area, or it might be easier because they are closer to public transportation and larger employers. It could be a function of where the various service agencies are referring people. They also have roughly 100 beds so they are substantially bigger than anything in Strafford County. They are requesting **\$5,000**.

Thad Mandsager, **Seymour Osman Community Center** for the **Quantum Program**, designed to assist high-risk adolescents with completing high school and pursuing post-secondary education and learning job training skills. In a previous class, out of 20 students, all but 1 graduated. They also will create a Business Attire Fund using CDBG money. They found that many of their students don’t have financial resources to buy clothing that is appropriate for job interviews. They are requesting **\$13,300**.

Linda Merullo said that Seymour Osman Center is one of her favorites. She said to get Dover youths on the right path in life, jobs and the proper clothing is very important and, hopefully, the other programs won’t be so needy if we start them out in the right direction. She said it is a great program.

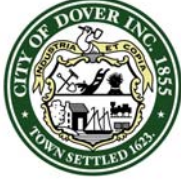
Beth Kalanach, **AIDS Response-Seacoast, Inc.**, they would like to continue to provide case management to their active client base. The numbers that they are adding to their client base is growing at an unusual rate. They discovered there seems to be a number of men who have gotten caught up into some activities that put them at risk. They expect the numbers they presented to go higher. They have 21 clients from the Dover area. They are requesting **\$14,500**.

Marsie Silvestro, **A Safe Place**, stated that they are the domestic violence service that covers the 48 cities and towns that cover Strafford and Rockingham Counties. They are the only 24 hour staffed shelter in New Hampshire. She said that more and more Dover residents are appearing at their door. They are celebrating their 30<sup>th</sup> anniversary. They are requesting **\$6,000**.

Dean Trefethen asked what other communities are contributing CDBG funds.

Marsie Silvestro said last year they did not receive any funds from Rochester but they have previously. They have an application in to them this year. They received funds from Portsmouth and they have an application in to them and they hope to receive from Rochester this year. They are seeing a rise in the number of Dover residents coming in for their services.

### **Homeless Center for Strafford County – see My Friend’s Place**



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Great Bay Chapter – **American Red Cross** – No one was present. They requested **\$2,000**.

Thea Shaw represented **Big Brothers Big Sisters of the Greater Seacoast** and stated they provide mentors for at risk youth between the ages of 6 and 17 years. They served 128 children last year. They are requesting **\$5,000**.

Tony McManus asked how the kids are identified, whether through school or service agencies.

Thea Shaw stated that they have school based programs where the guidance councilors work with them. They also get referrals from pediatricians' offices and they sometime come self-referred.

Kathy Beebe, Executive Director of **Sexual Assault Support Services (SASS)**, in the past 6 years more than 500 Dover residents have accessed their program. They are a 24 hours a day program supplying support. She stated they are requesting **\$5,000**.

Dean Trefethen asked her to e-mail the Planning Department with a list of the towns that are providing funding and the amounts that they are providing.

Tony McManus asked if local hospitals give them direct funding or just in-kind services when they are providing services.

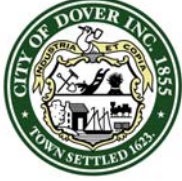
Kathy Beebe, explained the hospitals don't provide direct compensation. They have been supported through the hospitals, through sponsorships for various fund raiser events to help them raise money, but not programmatic funding.

Rene Philpott, Community Relations Director for **The Homemakers Health Services**, said they have been around for about 34 years. They provide visiting nurses, physical therapy, occupational therapy, speech therapy, home health aids, in home support, homemakers, adult day care and community wellness programs. These services allow people to stay in their homes instead of nursing homes. They are requesting **\$29,877**.

Dean Trefethen asked about the projected budget and there is \$108,201 through City and town requests.

Rene Philpott said that all of the cities and towns in Strafford County, with the exception of Dover and Rollinsford, support them in some way. Even if it is not the full amount of their requests, they support them. She said that she will provide the Board with a list.

Linda Merullo asked when the last time was that Dover provided them with funding.



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Rene Philpott said that she believes that it was \$2,000 about 6 years ago and she can provide that information.

Rene Thomas, **Avis Goodwin Community Health Center**, has been a safety net in this community for over 35 years. The agency's founder recognized the need in 1971, for pre-natal women who were not receiving any care. She recruited some primary care providers that donated their time to help these women. 50% of the funding are grants and the other is patient revenue. They are requesting **\$5,000**.

Greg Burdwood, Executive Director of **HUB Family Services**, and a resident of Dover. Their primary mission is to providing home based services, parent education, support services to families with the goal to help them to raise healthy children in caring homes. The focus is on the parents as they see them as the children's most important teacher. They are requesting **\$5,000**. They are also requesting funds to repave the **HUB Family Services** at the 23 Atkinson street property, due to safety concerns for the lot's current condition and to increase staff parking, taking pressure off the municipal lot next to the McConnell Center. Funds are also sought for the 23 Atkinson Street property to repair sections of the roof and gutter system to prevent water damage. They are requesting **\$14,453**.

Charlie Wolfe, Weatherization Housing Director, for **Strafford Community Action Weatherization Committee, Inc.**, explained that funds are needed to aid in weatherization for up to 15 low-income Dover households. They are requesting **\$36,687**. He said **Strafford Community Action/DHA** is requesting funds to undertake repairs to the Brenda Iorio Head Start and Child Care Center in the amount of **\$11,687**.

Arlene Kershaw, Director of Senior Services, **Easter Seals New Hampshire**, spoke about needing a grant to start an Adult Day Care facility in the McConnell Center. Easter Seals has a history of Adult Day. She said the one she has been overseeing in Manchester has been there for 25 years. It is an alternative to nursing home placement. Nursing homes cost between \$60,000 and \$80,000, in home care costs approximately \$35,000 and Adult Daycare costs about \$15,000. The cost of putting together an adult day care is mainly because they need bathrooms, shower facilities and a kitchen. She is requesting **\$230,000**.

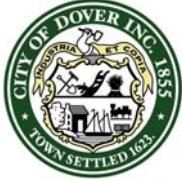
Dean Trefethen welcomed Ms. Kershaw to Dover. No promises, but it is something that is needed.

Chairman Cole set up a workshop for March 11, starting at 6:00 p.m. to discuss the CDBG grants prior to the regular meeting.

The public hearing was closed.

#### 4. Old Business

#### 5. Committee Reports



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None.

Chairman Cole explained that the City is creating a Parking Garage Commission, appointed by the Council, and he recommended that Kirt Schuman be the Planning Board representative.

Tony McManus stated that he indicated to the Mayor that he would be willing to work on that commission also.

Ron Cole stated that he spoke to the Mayor and it is his understanding that the Mayor will appoint Tony as a citizen member.

### Capital Improvements Program.

Ron Cole stated that it seems that the CIP has been stalled. His concern is that, as the recommending agency with respect to the CIP, the Board might want to talk about it and potentially make a recommendation to the City Council. As a Planning Board, we are guided by statutes and ordinances of the Dover Code and charged to advise and recommend to the citizens and the appropriate city officials on matters of the Master Plan and items relating to the development of the community - Statute 674.1. The Dover Code for the CIP is C6-9. A. and it charges the Planning Board with making recommendations on the CIP and it goes on to explain how the CIP is addressed by the City Council. On February 13<sup>th</sup>, the Board recommended to the City Council that the CIP be adopted. On the March 5<sup>th</sup> the City Council is scheduled to take action on the CIP. There seems to be hesitation on the part of some of the Councilors to put the approval off for one reason or another. His feeling is that the Board would be remiss if it didn't recommend that the City Council address this CIP as quickly as possible on March 5<sup>th</sup>, when it is on the agenda. He asked the Board what their feelings were with respect to that.

Tony McManus said that his concern when the Board discussed it, is that the CIP is so tied into the Master Plan that we are currently working on, that any delay in adopting the CIP affects a number of projects that we have approved and passed on to the Council as being necessary and to be undertaken in a short period of time. He can understand the thinking of the Council, he's not critical of that, in that they see expenditures to be made under the CIP and it should be considered as part of the whole budget. It is a misunderstanding, because many items are not budgetary items, but the beginning of the long-range planning that the Board has looked at over six years and prioritized these items over a long period of time, as to what we think from a planning perspective, is necessary for the City. He feels that it is not in the best interest of the City and it detracts from what we are trying to do in developing a master plan, that they delay the decision on what the Board has recommended. He said he agrees that something should be passed on, urging them to consider the importance of what we have done and what they have to do in long-range planning and not delay it.

Donald Andolina said that some of the Planning Board members should be at the March 5<sup>th</sup> meeting to reinforce what we are talking about right now.

