

CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, July 22, 2008
Meeting Time: 7:00 pm

REGULAR MEMBERS PRESENT: Ron Cole, Don Andolina, Doug Steele, Frank Torr, Marcia Colbath, Perry Plummer, Tony McManus

REGULAR MEMBERS ABSENT: Dean Trefethen

ALTERNATE MEMBERS PRESENT: Linda Merullo, Ron Stock

STAFF PRESENT: Steven Bird, City Planner and Jennifer Bretz, Recording Secretary

Audio stopped after 1 hr 28 minutes. Restarted recorder at recess. Audio stopped after 12 minutes.

Video Recorder not working

Meeting called to order at 7:03PM.

1. Citizens' Forum – None

2. Approval of the July 8, 2008 minutes.

Motion: Torr made the motion to approve the minutes, Colbath seconded. Vote U/A

Cole stated item 4C will not be heard this evening.

3. New Business

A. Workforce Housing Coalition of the Greater Seacoast presentation

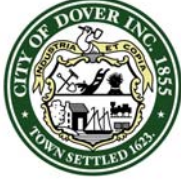
Stephanye Schulyer, President of WHCGS, and Diane Hartley gave a power point presentation. A handout of the presentation was given to each member of the board. (See handout and CD in file.)

Cole referred to the book Communities and Consequences. NH is in a crisis to maintain a workforce. He spoke to someone that had been out of college for several years that could not even afford to live in NH without a roommate.

Bird stated that one of the next chapters of the Master Plan the Planning Department is going to work on is the Housing chapter. One of the things they have to cover, in that chapter, is what is Dover doing to make affordable housing. What has it done in the past? What will it do in the future?

B. Public Hearing on 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)

Attorney Malcolm McNeil, representing Eric Katz, a developer in Dover. Don Rhodes, the original traffic consultant is present. This is a project off of Tolend Road with 72 units. It was one of the first open space projects to be considered in Dover. The developer chose to offer the units to people 55+. The only relief they are asking for is to eliminate the age restriction and any other incidental components of the approval that would be modified as a result of deleting the age restriction. There would not be any physical changes in the plan. All of the properties surrounding the site are single family homes. In the original approval, condition 19 reduced the school impact fee. They are suggesting to pay full impact fee if the relief is granted. Site plan



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complies with all site regulations in the R-20 zone. The lots are clustered on small lots, which are environmentally sensitive and have private roads. 67% of the project is in open space. 16.9 acres are in a conservation easement. 5.5 acres have been set aside for active recreation. The original plans, at the time of approval, the houses were 2000-2,500 sq ft at a cost of \$300,000.00. The new homes would be 1700-1800 sq ft at cost of \$200,000.00. The sewer built at cost of \$400,000 by the developer. They agreed that any lot owners on Tolend Rd who wanted to hook into the sewer, they could at a much lower negotiated price. Any industrial user can tap into the sewer at no cost to the City. The lots are not changing, the houses are getting smaller. Refers to handout (In file). There would be no adverse affect, fiscally, to the community due to the school impact fees. If relief is not granted, the project will not happen.

Merullo stated that there are 72 lots and we're going from a possible one car, 1-2 person family, over 55, to a family where there could be two cars. That would be 144 trips. That's two times daily going in and out. That would be adding to the original traffic impact report. The price mentioned for the over 55 homes would be \$400,000.00. Now it's changed to \$200,000-\$300,000.00. Although you would be losing 300 sq ft on the homes, a good portion of these homes will still be in the \$300,000.00 range. She does not consider that workforce housing range.

McNeil stated there is an increase in traffic but it does not affect normal measurements. The increase of traffic is due to happen at working hours. In terms of people 55+ wanting to live there, the opportunity is open in many other places. There are also people that are over 55 who enjoy living with families. He didn't come before the board to say that this was affordable housing. He's stating that it's housing where components of it that are likely to be affordable. He appears before the board all of the time and there are people who frequently complain that lots are too large, there's too much impervious surfaces, people are building mansions, they're not providing for the environment, there's not enough open space, there's not recreation, there are streets that the city has to plow and maintain. None of those items exist in this development.

Colbath stated that a 1700 sq ft home, in Dover, will not sell for \$200,000.00. When it comes to statistics, when talking about the number of children per household, it does fluctuate from type of development. In a development of this size, the number may be higher. When Steve Stancel was here, they did some open space preservation. They looked at different developments and found that the statistics varied with the type of housing. How many children are they adding because of this particular type of development?

McNeil stated that is why there are impact fees.

Colbath stated that impact fees are not for the everyday running of the school, they're for long term planning in regards to additions and renovations.

Discussion ensued regarding school impact fees.

Andolina stated he doesn't have a problem with the development, he has a problem with the fact that the project was approved late 2006 and for about a year, nothing happened to the property. He agrees with Atty. McNeil that housing prices have gone down. If this is approved what guarantee does the board have that they're not going to wait again until the housing values go back up?



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McNeil stated there was work being done on the site because the City of Dover Planners memo states there was active and substantial development sufficient to vest this project. The applicant was under pressure, from the City of Dover, to complete a sewer in less than 150 days. He also cleared some of the property in anticipation of going forward. The developer wants to position himself in a market that is going to rebound. In this particular project, he has put in \$500,000 on an approved plan that complies with zoning. What they're suggesting is when the market conditions are appropriate he will do that. Under the state law, he has four years to do it.

Cole stated there is limit as to how much time there is in order to develop.

Plummer asked if there was a figure for the impact fee.

Discussion ensued regarding school impact fees.

Steele stated he agrees with what Atty. McNeil is stating. Taxes people will be paying will be going towards the community. The roads being plowed would be up to the developer.

Plummer asked the board would they approve this without the 55+ obstruction. If they wouldn't approve it, they need to address the items that they wouldn't approve it for. If they would approve it today, they should remove the 55+ restriction.

Andolina stated due to the traffic, Columbus Ave is busy. Whatever the amount of cars, from that development, there will be a percentage that will be turning onto Columbus Ave. There are numerous accidents there.

McNeil stated that when the project was approved, there was a traffic study done. The issue is the incremental traffic.

Don Rhodes, Norway Planning Associates did the original traffic study, on Columbus, back in 2004. He did address that intersection.

Discussion ensued regarding traffic.

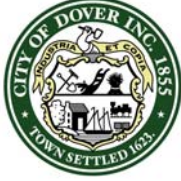
Plummer stated the fiscal impact comes down to a single family house, the city loses on. Whether it's a 72 unit project or 10 units approved next week. This project is not unlike any project that they've voted on. What was the notification to residents?

Bird stated that a certified mailing went out. It's not an application; we're holding a public hearing and soliciting input.

Cole stated we will listen to any input that the public has for the board. He suggests tabling it for 2 weeks.

Swartzendruber stated there was talk about size of house versus cost. He would like to hear it.

McNeil stated that the cost would be closer to \$300,000 than \$200,000.



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Public Hearing Open

Bob Breneman, 74 Tolend Rd, abutter to the project stated in 2005, if there was not a 55+ older restriction, there would have been a lot of people to object to it. He believes project should not go through. Young families do not stay small for long. School impact fee does not address the issue of what happens in the schools. Since this is located in the Woodman Park school district, a significant issue would be the impact to Woodman Park School. There are multiple trips with families. With families, there would be multiple trips back and forth. It was a unanimous vote back in 2005 but this is an entirely different project.

Diane and Randy Ariel, 36 Columbus Ave, stated that traffic is definitely an issue with the Littleworth Columbus intersection. Their biggest concerns are the increase of kids. She likes the woods that they have. Once a walking path is created, people will be coming into their backyard. They have a buffer of woods but once there are paths there, the Police Department would have to start patrolling that area due to the fact that teenagers and kids would be hanging out there. They drive on Columbus daily and it's a horrible road. They've had to call the police numerous times due to car accidents. Columbus Ave is no longer a side road, it's a busy road. The city has tried to improve the road but it's going to get worse. With that many children going in, there's going to be an influx of children into the school system.

Public Hearing Closed

Cole stated that his recommendation would be to table this item. There are three issues that he sees. Ask Bruce Woodruff about the traffic study. He would like to see expanded statistics on the number of children. He would like to see if the student population is diminishing. He would also like to see the number of accidents that have occurred in Tolend Rd, Columbus Ave area.

McManus would like to know if the Planning Department has any input.

Bird stated that Plummer summarized it best. How would the board have voted on this back in 2005? The project complies with zoning. The age restriction was a voluntary thing put on by the developer. The board needs to weigh how it would have reviewed the project.

Cole read an e-mail from the Toomey's. (In file)

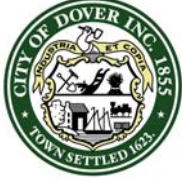
Motion: Andolina made the motion to table, McManus seconded. Vote U/A

Recessed at 9:01pm, resumed at 9:07pm.

John Swartzendruber stepped down, Ron Stock took his spot.

4. Old Business

A. Consideration and possible vote on a site plan of land and Conditional Use Permit for Paolini Brothers Development, Assessor's Map K, Lot 20, zoned B-3, located at 54 Dover Point Road. (P08-15)(12 units & office building)



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Motion: Stock motioned to remove items A and B from the table, Andolina seconded. Vote U/A

Atty. James Schulte represents applicants. They've had several public hearings and several site walks. During big storms, in the spring, the valley would be full. He proceeds to go over the changes they've made to the project.

Merullo asked if any of the plantings need to be different due to drainage runoff? In reference to the landscaping, when looking at the plants, is there still a buffer that will have woods there?

Atty. Schulte stated the prior drainage plan was to divert all of the water to storm drains. It would not be deposited onto the lawn.

Cole stated when you put pervious surface in; it's the same thing as what is there now. What is there now would be the same thing as when they put their plantings in.

Atty. Schulte agrees. The plan was to divert the water away. It would go through the soil as it is now. There are some trees along the Cooper property line. They will not be disturbing them.

Public Hearing Open for items A and B

Roland Lubiére stated he's heard the project changed every time. He wants to know who will spray for mosquitos. They've already looked into fencing for properties. When the water is deeper on the bottom, kids will not have an area to play in. There are piles of rock on the land already. What will change? Every time they remark about something, the developers come back with a change. What will it do to the property value? Has the state approved an entrance or egress yet?

Public Hearing Closed.

Bird stated that the Planning Department recommends approval of the site plan and Conditional Use Permit with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. Add the owners' signature to the plan.
2. The approval includes the granting of a Conditional Use Permit for the 20% slope disturbance.
3. The applicant shall prepare a Development Agreement that sets forth the conditions subsequent. Said Agreement shall be reviewed by the Planning Department, with consultation by the City Attorney on the proper form of the document, and recorded at the Strafford County Registry of Deeds.
4. The applicant shall provide the Planning Department with a copy of the NH Department of Transportation Driveway Permit and add the permit number to the plan.
5. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Wetlands Permit and add the permit number to the plan.
6. The applicant shall provide the Planning Department with proof that the Environmental Protection Agency Notice of Intent Permit has been filed.



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7. The applicant shall submit an Operations & Maintenance Plan for the storm water management system, which shall be reviewed and approved by the Environmental Projects Manager.

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

8. In lieu of providing on-site recreation, the applicant agrees to contribute funds for off-site recreation facilities at Applevale Park, in the amount of \$2,500.

9. The new dwelling units and office building shall be subject to any impact fees in place at the time of the building permit application.

10. The new dwelling units and office building shall be responsible for all water and sewer investment fees due at the time of building permit application.

Steele stated they realized, today, that the Coopers house is within 100ft of the sewer. He's requesting that they add a stub for the Coopers. Property owners can ask for a waiver to tie in to the sewer.

Bird stated they could add a condition for the plan to be revised to show the stub that would service the Coopers house.

Atty. Schulte stated the condition is fine with them.

Motion: Torr moves to approve item A with conditions, Steele seconded. Vote U/A.

Cole stated he understands the abutters concerns but he has faith in the City Engineering Dept. He has no problem approving this project.

B. Consideration and possible vote on a Conditional Use Permit for Berry Surveying & Engineering, (Owners: Kevin R. Cooper, Jr. & Jeffery D. & Ellen L. Forget) Assessor's Map M, Lots 6 & 132, zoned R-40, located at 56 & 58 Dover Point Rd., and 53 Toftree Lane. (P08-22)

The Planning Board accepted the application on May 27, 2008 and tabled the application. The applicant appeared before the Conservation Commission on May 5, 2008 and July 7, 2008. The Planning Department recommends approval of a Conditional Use Permit subject to the following condition:

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Wetlands Permit and add the permit number to the plan.

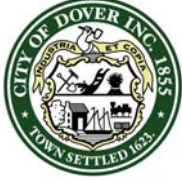
Motion: Torr moves to approve, Colbath seconded. Vote U/A.

C. Consideration and possible vote on a site plan of land and Conditional Use Permit for Summit Land Development, (Owner: Double Diamond South Holdings, LLC) Assessor's Map 15, Lot 21, zoned R-12 and I-1, located at 279 Locust St. (P08-13)

This item will not be becoming before the board tonight.

The applicant has requested that this application remain on the table at this time.

5. Staff Comments



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Cole read a memo from the City Attorney, Alan Krans, about the Right to Know law. Cole announced that he will not be attending the August 12 meeting; McManus will be sitting in for him. This will also be Anthony McManus's last meeting due to the fact that he will be retiring.

6. Committee Reports

Colbath stated the Environmental Committee has had their first meeting. They will meet again in August.

7. Adjournment

Motion: Andolina made the motion to adjourn at 9:40pm, Stock seconded. Vote U/A.