

CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, September 9, 2008
Meeting Time: 7:00 pm

REGULAR MEMBERS PRESENT: Frank Torr, Dean Trefethen, Don Andolina, Marcia Colbath, John Swartzendruber, Perry Plummer, Doug Steele

REGULAR MEMBERS ABSENT: Ron Cole

ALTERNATE MEMBERS PRESENT: Linda Merullo, Ron Stock, Kirt Schuman

STAFF PRESENT: Christopher Parker, Planning Director and Jennifer Bretz, Recording Secretary

Meeting called to order at 7:02 PM.

Vice Chair Frank Torr will sit in for Chair Ron Cole.

Linda Merullo will sit in for Vice Chair Frank Torr.

Kirt Schuman sat in for vacant position.

1. Citizens' Forum – None

John Penaskovic, 346 Washington St, stated he is speaking tonight regarding the Tolend Road subdivision. The water that flows through the Tolend Road subdivision goes through his yard and into the Cochecho River on a regular basis. In the last couple of years, since the project was abandoned, the water has continuously been muddier and muddier and there are soil deposits on everyone's property, in his neighborhood. It is due to the lack of vegetation and the lack of retaining ponds that have not been completed. The dredging of the Cochecho River has been a great project for City of Dover. It would be unconscionable to allow the developer to let the dirt deposits flow into the river for the City to dredge out again. He urges the Planning Board to continue to put conditions on the building permit approvals until vegetation and the retaining ponds are completed as promised.

Submits pictures of his yard before the project was started and after the project was abandoned. (In file)

He stated that Christopher Parker and Tom Clark have been to his property and are aware of the circumstances. The water that flows through his yard is water that has been picking up soil deposits. From that development, due to the lack of construction, there are still large piles of dirt sitting at the site that no one is taking care of. There are five other neighbors directly affected by this. This would be a great opportunity for the City to restrict the developer from abandoning the project again. The City of Dover has an opportunity to make them re engineer the water flow that goes through his development which would help five neighbors. That amounts to \$35,000 of taxable income that the City would receive from the five neighbors. The engineering was done in 2004; there have been a few laws that have changed since then. It may require the developer redo the engineering on the flowage and potentially help the individuals who are directly impacted by this problem. He also wants to make sure the development stays 55+. Traffic studies were done to qualify for the permitting. He's hoping the studies were redone for the condo's that would be there. There is more traffic with regular condo's and families with children than there are with a 55+ development. He knows that there is no public forum for the project but he's hoping it will get tabled at the meeting tonight so that he can look into it further with his engineer.

Bernie Toomey, 30 Tolend Road, stated he and his wife are abutters to the project that's been ongoing since 2005. He was taken aback when he looked at the Foster's newspaper and noticed that "the Dover Planning Staff has recommended Board approval" for the change going from 55+ to an open concept for anyone to come into the area. He can not think of one positive aspect that the change will bring to the abutter's. The traffic will be drastically increased. If you have 72 homes, 2 cars per home = 144 cars. There would be motorcycles for the younger kids and there would be pool parties with the increase of children and things of



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that nature. He was not in favor of the Tolend Road development three years ago and he is not now. He sees no positive changes for his side of the equation. The developers were supposed to replace his driveway. Three years have gone by and he hasn't heard anything about it.

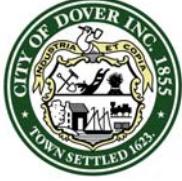
Resident of Dover brought a subject up at the first hearing for the Tolend Road project. He hasn't received an answer still. He would like to know the status of the Wildlife Preserve that is supposed to abut the Spaulding Turnpike and the development being proposed. He's been to the county offices and he can not find anything about it. It was given to the City of Dover a number of years ago, by Mrs. James K. Horn. He's been to the Fish and Game Department, they tell him that they'll look into it but he hasn't heard anything back. Encroachment will occur if the development goes in. If that land is listed as a wildlife sanctuary, what will happen to it? If Dover was given that property, there should be a Trust fund set up for it to remain as is.

Parker stated he hasn't heard of the wildlife reserve. He asked if the gentleman knew when it was given to the City?

Resident stated it was given to the City in the early 60's.

Tom Fargo, Chair of Conservation Commission, stated he was unable to attend the Public Hearing for the Tolend Road project and he has been receiving a lot of questions about the development. There are two issues he would like the Board to consider. He has brought with him a series of e-mails he's sent to the City staff, he's been trying to get them to the applicants, to address Wetlands permit compliance issues. The applicant was required by the DES to prepare certain documents and place easement monuments on the site within a certain time period after the easement was signed. That has not taken place. He feels that the state wetlands permit has not been complied with. He was disappointed when he saw the conditions of approval, recommended by the Planning Department, that the state permits are not included into that category. The first speaker indicated that there were problems with sediment runoff. He believes if the City were to look at the compliance aspects of the site specific permit, issued by the Alteration of Terrain Program at DES, they would find that some of the sediment runoff problems are in counter prevention of the site. He would like the Planning Board to make sure the applicant is in compliance with the state permits. The second issue is the nature of how the site plan is laid out. When the applicant came to the Conservation Commission, there was always a belief that it would be a 55+ subdivision. The lot sizes are set based on people who fall into that age bracket. If you opened the development up to young families, the lots are not big enough. One thing told to the Conservation Commission was that the condo association would contract out for landscaping. That was seen as a good thing because the Conservation Commission is not interested in seeing haphazard work in yards. If you change the demographics of the people living there, you change their expectations. They are going to want to expand their backyards. There are a lot of wetlands on this site. The wetland buffers are right up against the lot lines. There is high potential for violation of wetlands ordinances both at the City and State level. It's important the Board consider the expectations of potential young families who move into the subdivision for recreational activities in their backyard.

Brian Stern, 201 Tolend Road, stated if the landowner wants to develop their land or sell it to a developer than he is entitled to do so. If the economic circumstances change and they want to change the nature of their development, they should be allowed to do so. He doesn't think that a developer or landowner should be able to come in and incrementally whittle away at an approval process that a subdivision ordinarily went through. The application pending is very clear. It is to eliminate the age restriction without any change to the plans. If



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

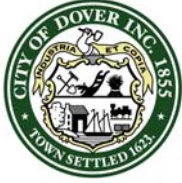
Meeting Type: Regular Meeting
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Meeting Time: 7:00 pm

you find that any aspect of the approval was based upon age restriction than you can't approve the application pending. The entire project was presented based on age restriction. There were many aspects of it that were approved and designed to develop based upon the age restriction. He is in favor of less impervious surfaces and smaller roads. There was one access point based upon the limited amount of traffic now there would be three access points. There is a requirement for a recreational area. The recreational area is inaccessible by the subdivision. It is accessible remotely from Columbus Avenue or you would have to cross wetlands to get to it. That had to have been consideration when the project was approved. The wetlands will be further degraded with increased usage. The houses were sized accordingly based on age restrictions which will have to change. The whole project is going to change when they get away from the age restriction.

Randy Arial, 36 Columbus Avenue, requested to see the traffic studies. He stated that in Foster's Daily Democrat, there was an article regarding a car accident on Rt. 9/Columbus. Accidents will increase because there will be an increase in traffic. Nothing has been done to change the road. He believes the accident was due to increased traffic on Rt. 9. Taking the age restriction off of the development will help the developer economically. Why should the City help him out? The City shouldn't be bailing developers out.

Attorney Malcolm McNeill, Attorney for the Tolend Road project, stated the applicant has come forward with a proposed amendment, they have done the traffic study that was asked for and the Planning Department has engaged in all of the studies that were requested. All of which indicated there would be no noticeable or unreasonable effect on this change that they are proposing. There was a public hearing in which 2, out of the 38 households that were notified with regards to this project, had representatives and Mr. Toomey sent a letter. If there is anyone that is familiar with this process it would be Mr. Toomey, Atty. Sterns and Mr. Fargo. There is no wetland violation with regards to this process. There is no state complaint. There is no active investigation by the DES with regard to this project which has been fully bonded with regard to all of the components thereof. At the public hearing that was conducted, 2 people spoke that was the extent of the interest. No abutters appeared at the site walk to see what was happening in regards to the project. In terms this gentleman (points to Penaskovic), he's very familiar with the DES. The DES is investigating his activities. His project is across from the Spaulding Turnpike. The other side of the Spaulding Turnpike, Penaskovic is alleging, after all of the permits that they have received that they are affecting his property. Not one person from DES has indicated that and Penaskovic has never contacted Atty. McNeil or his client. This is the first occasion that he's known anything about it. In terms of the project, the test is whether this project was approvable at the time that it was approved regardless of the age classification. Atty. Stern does not know about the approval of this project because he was not involved in it. The Board should listen to the evidence that has been put before you appropriately and respond to it appropriately. This is a minor change to the project. There are no house lot changes, no street changes, no City sewer changes that they've donated to the City, no promises to the Tolend Road community in terms of sewer and no changes to the buffers with regards to the structures. He never expected that a public hearing after closure would result in these kinds of comments.

Catherine Cheney, 9 Snow's Court, stated she is upset over what she heard. It is the Citizens Forum. This is our Planning Board, our City. She is the Ward Councilor for Ward 5. It is not the time to say it is closed and that it is too late. It is not the time for finger pointing and it's not the time for an open dialogue. It's time for the Citizens to give their comments. This application process started in April 2002. It was going to indicate first floor housing, prohibiting recreational equipment for children, the size of the house would be 2100-2300 sq. ft. and it would have an active and passive recreational area. There was a land exchange of 14 acres for



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, September 9, 2008
Meeting Time: 7:00 pm

industrial use and the developer received 2.6 acres. From listening to the citizens, there are many concerns for wildlife, runoff, the easement monuments, compliance for state permits and the whittling away of requirements over time. The recreation area has to be accessible to children in the area. There are no sidewalks in the development, there is only one exit in and out of it. The density is staying the same. The lot sizes are very small. The traffic study has indicated that traffic will go from 30 trips to 44 trips during peak hours. There are a lot of questions here. If this is as is, they should reapply with a lesser density and the developer should put in place the ball field with the active recreation area. She recommends that this project not be closed or approved tonight.

2. Approval of the August 26, 2008 Minutes

Motion: Swartzendruber made the motion to approve the minutes, Trefethen seconded. Vote: U/A
Schuman abstained; he was not present at the August 26 meeting.

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)

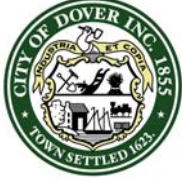
Christopher Berry, Berry Surveying and Engineering, represents the applicant. The proposal is to have municipal sewer and water. They are in a zone that allows 12,000 sq ft lots. They've designed the project to have the standard cross section with 24 ft of pavement with a 7 ft grass strip and a 5 ft. sidewalk. He went over the traffic analysis (In file) and the drainage. He understands there are abutter concerns, and the applicant is proposing to keep buffers in certain areas where they feel that they are adequate and where they don't think that it is adequate, they are proposing construction of 6 ft high arborvitae. The height is to screen as much as possible and they are dense enough to create a screen for abutters. If the abutters are not amenable to that type of screening, they are open to discussion with the applicant. They are also here for Conditional Use Permit. There is a home on the site that is quite aged and in conjunction with the existing home; there is a garage that lies closer to Henry Law Ave. The conditional use permit they are requesting is to remove the back slope of the garage, which is man made. They don't believe it would cause any erosion or sediment problems. They met with the Conservation Commission, on September 8, 2008, and does not believe there are any concerns from the Conservation Commission.

Colbath stated the Conservation Commission did not have enough information to make any kind of determination.

Berry stated it was tabled pending a site walk. One of the issues that did come up, at a separate meeting, is proximity of housing towards the buffer that is required around the jurisdictional wetlands. They are proposing housing units within close proximity. They feel they can be constructed without detriment to the buffer.

Discussion ensued regarding the slope impact.

Trefethen stated that Berry is proposing evergreen and arborvitae for the wetlands buffer boundary. He asked if it was possible to construct a type of berm that would prevent runoff from the lawns which would preserve the integrity of the wetland.



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, September 9, 2008
Meeting Time: 7:00 pm

Berry stated if you berm it, you direct the water to go somewhere and you run the risk of channelizing it. Your rates of runoff can increase and you'd be directing it in a specific point. If you let it sheet off, the volumes are low and there is a 50 ft buffer there to clean the water as it sheets through the natural buffer. In both instances, you'll have the same amount of chemical loading because someone will not fertilize their lawn less just because there is a berm there. His opinion is that it would be better for it to remain a sheet flow and move through the buffer as designed instead of trying to channelize it through a berm.

Trefethen discussed the storm drainage and how it ties into the City's closed system on Henry Law Avenue.

Berry stated they've looked at the drainage on the site extensively. The whole site drains down into people's back yards. They would like to prevent that from happening post construction. The street is designed to drain all the way down Henry Law. Originally, they tried to design some detention facilities on their property so that they wouldn't have to use City infrastructure. That poses a maintenance nightmare for Community Services. When talking with Dave White, he suggested hooking into the City's infrastructure and sending it down Thompson Road. The problem with that is that drainage infrastructure is at capacity now. The improvements to that are sometime into the future. That's why they chose the drainage they did.

Discussion ensued regarding the building envelope.

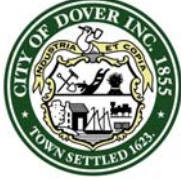
Motion: Trefethen made the motion to accept the application, Schuman seconded. Vote: U/A

Public Hearing Open

Bruce Mizzau, 8 Browning Drive, stated he lives on the corner of Browning Drive and it is a steep hill. He's the second owner of the home. The first owner had numerous water problems. His home sits down on Browning Drive and would abut lots 5-2 and 5-3. The elevation is about 30 ft. When he sits on his deck, he looks straight up. His main concern is that his house is dry now. Those two lots will be built up. He will be taking more water onto his property which would come down that hill. He has difficulty putting his bird feeder into his back yard that is how he knows there is quite a bit of ledge. There will be a lot of blasting being done.

Travis Cook, 16 Browning Drive, stated regarding lot 5-4, he's concerned with the proximity of the home to the property line and the impact it would have. He's also concerned with drainage and proposed slope changes and the impact that would have since he already has some water issues with his home. There are trees that screen the property and provide a lot of privacy. He's concerned with the trees that are fairly mature. He would like to know what the developer's plans are regarding the mature trees.

Anne Berry, 24 Tennyson Avenue, stated her greatest concern is drainage into her backyard. She has standing water after every rain storm. The land to the right of her yard is extremely sloped. When the developer clears the trees and puts the buffers in are they going to absorb the same amount of water? Is the development going to harm the wetlands? She bought her home because it is very private. Putting nine homes/families back there will increase traffic dramatically. As a direct abutter, the noise level will affect her.



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, September 9, 2008
Meeting Time: 7:00 pm

Jeff Gauthier, 162 Henry Law Avenue, stated 95% of the property is covered by trees. They can say there is enough drainage for the development but with the rain he'll have a pond in his back yard. He's concerned with the timeline of the drainage going in. Where will the water be running to? The traffic study was based on elderly housing at the bottom of street. This development is at the top of the street.

Jill Gallant, she has an interest in 165 Henry Law Ave, stated she shares the concerns about quality of life and traffic safety. The property at 165 Henry Law, literally, has a river running through it. Water didn't seem to be as of big a problem when it was purchased. It is constantly wet, there is always water running through it. This plan doesn't take into consideration the improvements of Henry Law Ave. There is no buffer on the roadway leading into the new development. There will be a tremendous amount of light and noise pollution. It's a huge intensification of use for 4.6 acres of land.

Paul Dureau, 24 Browning Drive, stated he's concerned with lot 5-6, the wetland area. His property is at the bottom of it. Originally, that property was supposed to be a park, back in 1980. The owner had insurance problems and sold it for back taxes. It wasn't always a wetland. The drain at the bottom, when they had a large rainstorm a month back, could not keep up with the water and now it's in his finished basement.

Katie Mack, 18 Browning Drive, stated she looked at the survey done by Berry Engineering and Surveying. Houses built on lots 6 and 7 would have wetlands and the wetland buffer as a back yard which wouldn't allow them to have a back yard. On lot 5, the entire tree line, that naturally defines the lot, would be wiped out. The absence of trees would increase the noise and the light that would come into the backyard. Nine homes on under 5 acres of land does not seem right.

Marvin Mack, 18 Browning Drive, stated his land is right next to lot 5-5. He does not see how you could put a house on that lot. Putting in 6 ft trees isn't good when the house would be that close. Blasting was mentioned where the existing house is. The existing house is so close to his property that the blasting would basically be in his back yard.

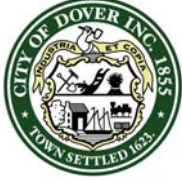
Jim Vachon, 12 Browning Drive, stated his concern is the density issue. He had a chance to look through the Master Plan and some of the open space information. He stated that it seems like Dover has to take every bit of open space in the City and maximize the amount of homes on it. It would be nice if everyone could take a step back to listen to the abutters concerns.

Public Hearing Recessed pending site walk.

Parker stated on the plan, lots 1,2,3,4 have a buffer zone. In the notes, it states 15 ft. no cut buffer. If there are trees there, they will remain.

Parker stated this is not intended to be a cookie cutter development. They could be lots that are built today or ten years from now. The lots don't have a set plan. One thing he will work with the applicant on is the density of the neighborhood and the area. He wants to look at the information for the Board and the abutters so that they can get a visual of the development in comparison to their homes.

A site walk was scheduled for Tuesday, September 23 at 5:30 pm.



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, September 9, 2008
Meeting Time: 7:00 pm

Plummer asked what was going to be staked out?

Parker stated the center lines, the corners of the nine houses, the wetlands, the 50 ft buffers and the proposed retention pond.

Motion: Trefethen made the motion to table pending a site walk, Swarzendruber seconded. Vote: U/A

Recessed at 8:37 pm, resumed at 8:44 pm.

- 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 application will not be heard tonight.

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)**

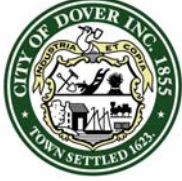
John Swarzendruber steps down, Ron Stock takes his place.

Plummer stated if the Board feels as though they would have voted for the development without the 55+ restriction and nothing changes than they should vote yes. If they feel as though it creates different regulations that they are not meeting, than they should vote no and start the process all over again. He would like the Planning Director to clarify whether house lots and setbacks would have been different without the 55+ restriction. As far as some of the work that hasn't been done, that's causing some of the issues, that is an issue. Unfortunately, it's the opposite, if the project stalls than those conditions are going to continue to be a problem for the neighbors, if it moves forward, most of the problems will be taken care of. It's a simple question of would they approve it if there are not changes. It was approved under those conditions but if there are changes the Board should deny it and make them start over.

Parker stated the idea of 55+ dictating the design elements or layout elements is not the case in this situation. There is nothing in the City's subdivision regulation pertaining to 55+. There is one spot in our Zoning, Residential Mixed Use Commercial overlay district, that specifically talks about age restricted units. The Chief has it correct, if you originally would have voted yes, than vote yes.

Plummer asked if they could talk about the recreation area not being accessible.

Parker stated the layout of the property allows for the typical open space subdivision scenario where the lots are clustered in the center, the open space surrounds it, adjacent to the open space is a conservation easement and an active recreation easement. The best vehicular access for the active recreation is off of



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, September 9, 2008
Meeting Time: 7:00 pm

Columbus Avenue. The active recreation component is not specifically tied to this project. They wanted to make it accessible for all users. There would be a public access allowance for everyone.

Motion: Andolina made the motion to remove from the table, Stock seconded. Vote: U/A.

Merullo stated even if it was a 55+ development, it did not restrict children from being there. There are no restrictions on children living there. After going on the site walk, she does believe the property does have to be developed. It is insulated except for the two abutters, those were the only homes seen on the site walk.

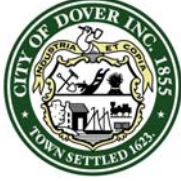
Parker stated on the site walk, they saw the buffer and Katz pointed out the buffer enhancement that needed to be done.

Merullo asked if they wanted it to come back as a new project, would it still fit the density of the area knowing that there would be families as opposed to couples? Would 72 homes be over the top for residential at this point and time?

Parker stated in 2005, were it age restricted or not, no density changes, would occur. However, at the last Planning Board meeting, the Board removed density bonuses allowed in open space subdivisions. That being said, there would be less units but it would be 6 as opposed to 72 because of the 15% bonus allowed. Andolina stated the design is good on the project. He worries that they would be setting the precedence for others to come forward. Everyone can say they would have approved the project if it was not presented as 55+, but would the abutters have been in favor of that? The Board is assuming that the abutters would have the same objections, restricted or unrestricted. He also has concerns regarding the traffic analysis. When talking about a 72 unit development, chances are, there would be one car per unit when it's seniors. With a family there would be at least two cars. It puts a bigger strain on the previous traffic assessment. It impacts morning and afternoon traffic. He would like to know what was done to update the traffic study.

Discussion ensued regarding the traffic study.

Trefethen stated the Chief asked the right question. If they knew then what they know now, what would their response be. There are some things they have to address. The site plan is approved, if the Board says no, they build what has been approved. It doesn't go away. They need to be very clear about what 55+ means. It means 80% of at least one person who owns that unit has to be 55. The idea that it will only be 55+ is not true. The way the plan is laid out, it's likely to be not that many kids. The real fear is the amount of children that are school age and will attend the schools. People make bad choices. You can go into any number of condominium projects in this City that have no age restrictions, no playgrounds and no yards. The kids play in the driveways of these condo developments. The Board needs to keep all of these things in mind. The original site plan was always presented to them as 55+. He would have thought differently if it was not 55+. There is no provision for recreation and there is not likely to be any time soon. What's changed since they approved it? If it's the market condition that has changed, it was always presented as 55+; it was always a limited market. The market was limited to begin with. The market will change, it will come back. The market scenario they chose is a risk they took willingly.



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, September 9, 2008
Meeting Time: 7:00 pm

Schuman stated he is not a proponent of age restricted housing. It's bad long term planning for the community. It does impact the amount of children and new families coming into the community. He looked more at the principal of what's being asked. Whether voluntary or imposed, once a condition of approval is made by the Board, it should be upheld. He is not in favor of the amendment.

Discussion ensued on regarding the recreation area.

Parker read the staff comments:

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.
4. The applicant shall work with staff to demonstrate recreation access points for the road.

Motion: Steele made the motion to approve with conditions, Stock seconded. Vote: 5-4 Schuman, Andolina, Trefethen and Merullo opposed.

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)

Motion: Schuman made the motion to remove from the table, Trefethen seconded. Vote: U/A

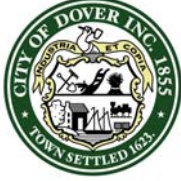
Bob Stowell, Trittech Engineering, stated this is a project that was originally approved in June 2007. The conditions of approval had never been fulfilled and therefore the conditional approval lapsed. At the last meeting, they discussed some things that were changed. Some good points were brought up at the last meeting. One being the original house will be torn down. There was some land in dispute at the west end of the site. The applicant had always planned to acquire a title and expand his holdings. That hasn't worked out as he anticipated. Those things being tabled, they went back and redesigned. What they were able to do is make lot 83-1 significantly bigger and making the building envelope for it significantly bigger. That lot is almost an acre. Passes out a drawing of potential home.

Plummer asked what the square footage of the home would be.

Stowell stated 40 ft wide by 48 ft deep including a garage.

Trefethen stated he appreciates the applicant listening to the concerns of the Board and making the adjustments.

Parker read the staff comments:



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, September 9, 2008
Meeting Time: 7:00 pm

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 house and any accessory building located within ten feet of a proposed property line shall be removed prior to signing of the plat.
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.

Motion: Trefethen made the motion to approve with conditions, Andolina seconded. Vote: U/A

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)

Motion: Trefethen made the motion to remove from the table, Andolina seconded. Vote: U/A

Parker stated at the end of the August 26, 2008 meeting, the Board had received some additional information from engineer Alex Ross questioning some of the engineering and drainage data that had been previously submitted and questioning the City Engineer's review of the plan set. Parker gave the data to the City Engineer and asked him to re-look over the plan set, prepare another letter for the Board clarifying his review process and his interaction with this plan in regards to the condition of approval which requested him to review the Ross drainage study, make suggested changes to the plan set and not sign off on the plan set until those changes were made. He asked the City Engineer, Dave White, to attend the meeting in case the Board has any questions regarding his letter.(In file)

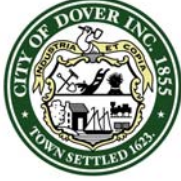
Dave White, City Engineer, stepped forward.

Merullo stated she appreciated his letters and all of his recommendations. She never doubted his ability to look at the plans in a fair-minded way and realize that there were problems with it. Was there anything that would be a detriment to the drainage?

White stated no.

Parker stated the board should affirm that they believe the conditions of approval have been met. Staff does recommend that conditions 12 and 13 have been met. He urges the Board to mark them compliant.

Discussion ensued on the public hearing being closed and whether new testimony was allowed.



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, September 9, 2008
Meeting Time: 7:00 pm

Motion: Merullo made the motion to approve, Trefethen seconded. Vote: U/A

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)

Motion: Trefethen made the motion to remove from the table, Andolina seconded. Vote: U/A

Public Hearing Open – Public Hearing Closed

Parker read the staff comments:

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.

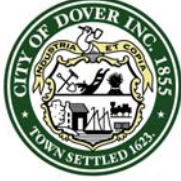
Trefethen stated he will be voting no because most of the lot lines have been in existence for a long time. The Board knows the next step that will be coming. The issues here are civil in nature. At some point and time this Board is going to have to enforce something. It would be better to resolve the various something's before taking step 1.

Colbath asked Trefethen what issues he's referring to.

Trefethen stated there are sheds, decks, garages, etc. that are clearly on the applicants land and have been for many years if not decades. They're going to have to be resolved. If the applicant proves their point and proves their property lines, it's going to fall on our staff to enforce those issues. Sheds and decks will have to be removed.

Motion: Merullo made the motion to approve with conditions, Swartzendruber seconded. Trefethen and Andolina oppose. Vote: 7-2

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)



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, September 9, 2008
Meeting Time: 7:00 pm

This item will not be heard tonight

5. Staff Comments

Parker stated a memo was passed out, from Bruce Woodruff, updating everyone on the gravel permit process. There was a requirement in May, that by August 31 certain items had to be addressed. Staff has put together a status update on what has occurred since May regarding the Severino, Mast Road Sand and Gravel and Pruven. On all three of them, staff recommends the extraction permits be continued for the current permit year based upon satisfactory status of the conditions.

Trefethen stated the Woodruff has put together several meetings, on this subject, with the three pit owners in question and the immediate neighbors. He's been a part of that and believes the operators have gotten the message. They realize, under the ordinance, they have to do these things, they have to be better neighbors, etc. They are doing all of these things. They are in the process of following through. The neighbors are very happy with the level of cooperation they are getting from the pit owners.

Parker stated at the next meeting, September 23, they would like to have a workshop to go over the impact fee proposals. There's the school impact fee, safety impact fee, and recreation fees. The site walk is at 5:30, the workshop can be at 6:30 and the meeting will start at 7:30. The next step would be to schedule a public hearing on the impact fees and the Planning Board adopts them. It does not go to the Council.

Steele stated regarding the Tolend Road project, is someone going to follow up with the game preserve?

Parker stated he's going to follow up because he's never heard of it. He'll contact the former owners of the property.

6. Committee Reports

Schuman stated the Parking committee had their first public session. It received positive feedback. He will be holding a 2nd public hearing on Thursday, September 11.

Colbath stated the Environmental Sub-committee met last week. They will be meeting again on Thursday, September 11.

7. Adjourn

Motion: Trefethen made the motion to adjourn at 10:03pm, Andolina seconded. Vote: U/A.