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City of Dover, New Hampshire

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

TO: **Planning Board Members**
FROM: **Planning Department Staff**
DATE: **September 24, 2004**
SUBJECT: **Staff recommendations for agenda items for the September 28, 2004 Planning Board Meeting**

Planning Board Workshop on Class VI Roads at 6:30 PM

Please remember to bring with you the recommendation memos and maps from the Class VI Roadways Sub-Committee that were in your packets for the September 14th meeting.

ITEM #3: Application for a minor lot line adjustment of land for Patricia Keefe, Assessor's Map G, Lots 24-H & 24-E, zoned R-40, located on Tolend Rd. (P04-48)

The Planning Department recommends approval of the lot line adjustment plat with the following conditions:

1. Add the owner's signatures to the plat.
2. Provide the Planning Department with a digital version of the plat.

ITEM #4: Application for a minor lot line adjustment of land for 192 Washington Square LLC and City of Dover, Assessor's Map 10, Lots 40, 41, 42, zoned RM-6, located on Washington St. (P04-30)

The City and the NH Department of Transportation have approved the purchase of parcel #40, but the deed has not been received yet from the State of New Hampshire, so no final decision can be made on this application. The Planning Department recommends that the public hearing be opened and the application be tabled pending the transfer of title to the City.

ITEM #5: Application for a site plan of land for 192 Washington Square, LLC, Assessor's Map 10, Lots 41 & 42, zoned RM-6, located at 201 & 205 Washington St. (P04-31) (7 units)

The City and the NH Department of Transportation have approved the purchase of parcel #40, but the deed has not been received yet from the State of New Hampshire, so no final decision can be made on this application. The Planning Department recommends that the public hearing be opened and the application be tabled pending the transfer of title to the City.

ITEM #6: Old Business

a. Discussion and possible vote on driveway waiver for Paula Reid, Lexington St. (P04-43)

The Planning Department staff and the Assistant City Engineer inspected the driveway on September 17, 2004. The abutting property owned by Mr. Gillis is at a lower elevation than the Reid driveway and other abutting property. It is our understanding that the applicant and Mr. Gillis have reached an agreement regarding the drainage from the driveway and will explain the agreement to the Planning Board at the meeting. The Planning Department will have a recommendation at the meeting.

b. School Impact Fee Waiver request for Robert Tessier, Assessor's Map A, Lot 36-1, located at 15 Cordeiro Drive.

This lot was part of the Country Homes subdivision approved by the Planning Board on October 27, 1998, prior to the Planning Board's vote to adopt the school impact fee. The plat was recorded at the Registry of Deeds on June 30, 1999. Substantial construction of the road began within one year of recording the plat. RSA 674:39 states, in part, that subdivision plats that have been approved and recorded are exempt from zoning ordinance amendments for four years, provided that substantial completion of the improvements on the plat have occurred and that active and substantial development has begun within 12 months. RSA 674:39 was amended by the legislature on June 7, 2004 and one of the changes was to remove any grandfathering from impact fees after a project is substantially complete and four years have passed. However, in this case, the invoice for the school impact fee was issued on March 31, 2004, which is before the change in RSA 674:39 was effective. Therefore, the Planning Department recommends that the waiver be granted due to the fact that this lot was approved prior to the adoption of the school impact fee and is protected from zoning changes under the previous version of RSA 674:39.

c. School Impact Fee Waiver request for Rocco & Tarah Wood, Assessor's Map I, Lot 80-1, located at 157 Garrison Road.

The lot in question was part of a two lot subdivision approved by the Planning Board on 9/23/03. The plat was signed by the Planning Board Chair on 10/14/03 and recorded at the Registry of Deeds on 10/20/03. The Impact Fee Ordinance was approved by the City Council on 1/22/03 and the Planning Board adopted the School Impact Fee on 2/25/03. RSA 674:39 states, in part, that subdivision plats that have been approved and recorded are exempt from zoning ordinance amendments for four years, provided that substantial completion of the improvements on the plat have occurred and that active and substantial development has begun within 12 months. Since this lot was not created until seven months after the impact fee was in place and does not meet the criteria for a waiver outlined in Chapter 170-28.7G, the Planning Department recommends that the waiver request be denied.

d. School Impact Fee Waiver request for Mark & Deborah Gagnon, Assessor's Map M, Lot 76-8, located at 48 Waterloo Cir.

This lot was part of the Captain's Landing subdivision approved by the Planning Board on September 8, 1998, prior to the Planning Board's vote to adopt the school impact fee. The plat was signed by the chair on April 21, 1999 and recorded at the Registry of Deeds the same day. Substantial construction of the road began within one year of recording the plat and the first building permit within the subdivision was approved on April 4, 2000. RSA 674:39 states, in part, that subdivision plats that have been approved and recorded are exempt from zoning ordinance amendments for four years, provided that substantial completion of the improvements on the plat

have occurred and that active and substantial development has begun within 12 months. RSA 674:39 was amended by the legislature on June 7, 2004 and one of the changes was to remove any grandfathering from impact fees after a project is substantially complete and four years have passed. However, in this case, the invoice for the school impact fee was issued on February 2, 2004, which is before the change in RSA 674:39 was effective. Therefore, the Planning Department recommends that the waiver be granted due to the fact that this lot was approved prior to the adoption of the school impact fee and is protected from zoning changes under the previous version of RSA 674:39.

e. Rehearing and discussion on Emerald Woods Subdivision, located on Littleworth Road. (P02-01)

The Planning Board conducted a site walk on September 23, 2004. Please review the updated subdivision plat and letter from Trittech Engineering Corporation.

If the Planning Board wishes to vote on the application at this meeting, the Planning Department recommends approval of the subdivision plat and the Conditional Use Permit with the following conditions:

1. Add the owner's signatures to the plat.
2. Add the Surveyor's stamp and signature and the engineer's stamp and signature to the appropriate sheets.
3. Provide the Planning Department with a digital version of the final plat.
4. Provide the Planning Department with a copy of the NH Wetlands permit and add the permit number to the plat.
5. Provide the Planning Department with proof that the Environmental Protection Agency Notice of Intent permit application has been filed.
6. The applicant shall pay the Community Services Vehicle Capital Improvement Program fee, in the amount of \$10,772, prior to the issuance of the first building permit.
7. In lieu of providing on-site recreation facilities, the applicant shall make a contribution for improvements to existing recreational facilities, in the amount of \$5,000, prior to the issuance of the first building permit.
8. Prior to recording the final plat, the applicant shall provide proof that an agreement has been reached with Ezra Green's Farm LLC to permit access to their sewer line in Littleworth Road and to permit the construction of the extension of Susannah's Lane. Neither the sewer line nor the road has been accepted yet by the City.
9. The applicant shall pay any outstanding invoices related to the peer review of the plan by Millette, Sprague & Colwell, prior to the signing of the plat.

ITEM #7: New Business

a. Discussion regarding request to revise the sidewalk plan for Evergreen Valley Drive by Michael Blanchette, 23 Evergreen Valley Drive. (94-42)

Please review the enclosed letter from Mr. Blanchette, a copy of a section of the approved subdivision plat showing the sidewalk, and a memo from the City Engineer. The Planning Department concurs with the recommendation from the City Engineer and recommends that the requested revision not be granted.

b. Discussion regarding request to revise the sidewalk plan for The Woodlands, Woodland Road. (P03-20)

Please review the revised sidewalk plan that is being proposed by the applicant. The Planning Department has spoken with the property owner at 9 Woodland Road and they are not opposed to the sidewalk being located on the south side of the street. Based on the support from the direct abutter, the Planning Department recommends approval of the revised sidewalk plan.