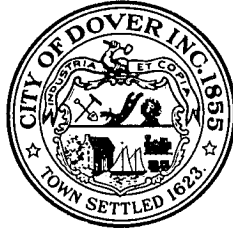


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City of Dover, New Hampshire

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

TO:	Planning Board Members
FROM:	Planning Department Staff
DATE:	October 22, 2004
SUBJECT:	<i>Staff recommendations for agenda items for the October 26, 2004 Planning Board Meeting</i>

The Dover Planning Board will hold a workshop at 6:00 PM prior to the regularly scheduled Planning Board public meeting to discuss the Capital Improvements Program (CIP)

Please bring the copy of the CIP that you received in your packet for the previous meeting. Mike Joyal, Assistant City Manager, will make a presentation of the CIP. A joint workshop for the City Council and the Planning Board is being organized so that the department heads can make presentations to both bodies. A date for the joint workshop has not been set at this time.

ITEM #3: Application for a minor subdivision of land for Ruth Wiggin Revocable Trust, Assessor's Map 14, Lot 11A, zoned R-12, located on Sunset Drive. (P04-52)(1 lot)

The Planning Department recommends approval of the subdivision plat with the following conditions:

1. Add the owner's signature to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. Revise the plat to add two GIS points.
4. Revise the plat by adding a note to indicate which wetland scientist did the wetland delineation and the date of the delineation.
5. Revise the plat by adding the common flood hazard note.
6. Revise the plat by adding a note indicating the existing lot size.

ITEM #4: Application for a minor lot line adjustment of land for Donald & Helen Metcalf and Beth Bennett, Assessor's Map 37, Lots 28 & 29, zoned O, located on 798 & 800 Central Avenue. (P04-53)

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.
3. Revise the plat to add the minimum building setback lines to both lots.

ITEM #5: Old Business

a. Discussion and possible vote on the designation of Back Road as a Scenic Road.

The Planning Department recommends that the Planning Board hold off on making a recommendation to the City Council until the Transportation Advisory Commission has completed their public meetings.

b. Discussion and possible vote on a minor lot line adjustment for Back River Road Realty Trust, located on Back River Road.(P04-33)

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. Add the surveyor's signature and stamp to the plat.
3. Provide the Planning Department with a digital version of the plat.

c. Discussion and possible vote on a major subdivision of land for Back River Road Realty Trust, located on Back River Road (P04-34)(20 lots)

The Planning Board conducted a site walk on this property on October 16, 2004. Revised plans are included in your packets. The Planning Department recommends that the application be removed from the table so that the applicant can explain the changes made to the plan and discuss the issues raised at the site walk, and allow abutters an opportunity to ask questions and make comments. The application should then be tabled until the next meeting.

d. Discussion and possible vote on revocation of the Excavation Permit for Dover Sand & Gravel, (Owner Pruven Aggregates, Inc.) located on Mast Road.

Despite the Planning staff's successful efforts to work with the bank in crafting the draft language for a letter of credit, the Department has not received the completed letter of credit from the property owner. The owner indicates the language contained in the draft is not acceptable because he is "grandfathered". NH RSA 155E is clear that despite an operation's status, the requirements outlined in the reclamation standards section apply to all excavation operations. The Planning Department recommends that the Board suspend the excavation permit and direct the Code Enforcement Officer to issue a cease and desist on all excavation and related activities in Dover until such time as the security is submitted.

e. Discussion on a major subdivision of land for Haven Farm at Alden Woods, located off Wildewood Lane. (P04-42)

The Planning Board conducted a site walk on this property on September 30, 2004. Revised plans are included in your packets. The Planning Department recommends that the application be removed from the table so that the applicant can explain the changes made to the plan and discuss the issues raised at the site walk, and allow abutters an opportunity to ask questions and make comments. The application should then be tabled until the next meeting.

ITEM #6: New Business

a. Impact Fee Waiver request for Dennis Munson, Assessor's Map F, Lot 30-A, located at 20 Harmony Lane.

This lot has existed for more than 17 years and was part of a subdivision approved by the Planning Board on August 11, 1987 and then re-approved on October 6, 1987. The City Council adopted the Impact Fee Ordinance as Chapter 170-28.7 on January 22, 2003 and the Planning Board adopted the School Impact Fee on February 25, 2003. The building permit for this lot was filed on August 24, 2004 and approved on September 13, 2004. 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. Due to the fact that this lot was created more than four years before the adoption of the school impact fee and the lot is not grandfathered under RSA 674:39, the Planning Department recommends that the waiver be denied.

b. Impact Fee Waiver request for Stabile Homes, Assessor's Map M, Lot 76-25, located at 87 Waterloo Circle.

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 March 19, 2003, 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.