

**DOVER PLANNING BOARD
MINUTES OF MEETING
FEBRUARY 11, 2003**

MEMBERS PRESENT: Margaret Stevenson, Allen Schintzius, Dennis Ciotti, Joyce El Kouarti, Pete Lavoie, Beth Thompson, Anthony McManus, Frank Torr, David Landry, Parks Christenbury, Ron Cole

STAFF PRESENT: Steven Stancel, Planning Director and Jacqueline Freeman, Recording Secretary

Alternate Joyce El Kouarti sat on the Board.

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

ITEM #1: Citizens' Forum.

There were no speakers.

Chairman Cole apologized to Councilor Whitmore because at the last meeting he made an allusion to the Citizen's Forum portion of the meeting and the City Council. He said that Councilor Whitmore felt that the way that he worded it demeaned the Council. Ron Cole said that he didn't mean to do that in any manner but merely wanted to suggest to the Council and the Mayor that they might want to run their Citizen's Forum like the Planning Board runs theirs where people can address the Board on issues that are not before the Board in a public hearing format. He said that he apologizes to Councilor Whitmore and the Council if he was out of order.

ITEM #2: Approval of the minutes of the previous meeting.

Beth Thompson made the motion to approve the minutes.
Peg Stevenson seconded.

Tony McManus stated on page 13, 9th line down owner should be inserted after property. On page 14, first full paragraph, line 15th, the word planning should be changed to claiming and also, on the top of page 15, heirs should be changed to Ayers.

VOTE U/A

Abstained - Joyce El Kouarti

ITEM #3: Consideration and acceptance of an application for a minor lot line of land for Lawrence & Bonnie Sanders, (owners Urbain & Dorothy Malo), Map H, Lots 71 & 442, zoned R-20, located on Lisa Beth Circle* (P03-03)

Lawrence Sanders said that the lot line adjustment would give him the setback that he needs to build an addition to his house.

Frank Torr made the motion to accept the application.

Beth Thompson seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Peg Stevenson made the motion to approve with the following conditions:

1. Add both of the owner's signatures to the plat.
2. Revise the plat by adding the surveyor's stamp
3. Revise the plat to correct the lot number for the Malo lot in note #2 and on the parcel.
4. Revise the plat to add bearing information for the front property line of the Malo lot.

Dave Landry seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of an application for an Open Space Subdivision of land for Business Partners, Inc., (owner Jensens, Inc.), Assessor's Map J, Lot 2, zoned R-40, located on Garrison & Seaborne Roads.* (P02-66) (11 lots)

Frank Torr recused himself from this item because Mr. Jensen has contributed to his campaign in the past and they are in the same business and it could be perceived as a conflict of interest.

Dennis Ciotti took his seat on the Board.

Kevin McEneaney stated that this is an Open Space Subdivision that came before the Board on December 10th as a concept plan. The parcel is 38.2 acres of land located on the corner of Garrison Road and Seaborne Drive. It has about 1,700 feet of frontage on the Bellamy River. He said that the Open Space Subdivision requires that 25% of the land is left as open space and they have 54% open space. He said that the 11th lot is the open space area and will be conveyed to the Nature's Conservancy and will be kept as open space forever. He said that the lots are clustered to allow for more open space and less infrastructure cost. He said that there is an area designated as Parcel A, which directly abuts Portsmouth Christian Academy and will be conveyed to PCA to be combined with their parcel.

Kevin McEneaney said they would increase the 20 foot wide sewer easement to 30 feet. He said that because of a study and in talking with PCA, they were able to attain the easement and will now allow individual driveways instead of shared driveways. It will eliminate the need for a homeowners association.

Kevin McEneaney said that Sheet 3 shows the proposed house and driveway locations. He said that 3 of the lots will access from the PCA driveway so only 2 of the lots will

come off of Seaborne Drive. He said that the wetlands are delineated within the area that will be developed. They have not totally delineated the wetlands on the conservation area because it will be kept in perpetuity as conservation land. He said that they will, however, be calculating and estimating the amount of upland open space because of the requirement of the open space subdivision that at least 50% of the open space be upland vs. wetlands. He said that he will come up with that calculation and put it on the final plan. He said that they have provided a fiscal impact analysis and those numbers are based on the numbers received from the Planning Department, Finance Department and last year's budget, as well as, the number of children in school. He said that he used the numbers of the City-wide ratio which has a positive impact of \$1,100.00 per unit for this subdivision. If you factor in the .5 ratio it reduces down to about \$350.00 per unit. He said that this subdivision was endorsed by the Open Lands Committee and the Conservation Commission and they are very excited to present it to the Board. It's a good private/public partnership.

Kevin McEneaney stated that there is a letter from Paul Connolly, of Civil Works, who reviewed the site distance on Garrison Road in particular and his letter indicates that the current site distance on Garrison Road meets the requirements for a posted 35 MPH street, and the current posting is 35 MPH. He said that there is also a letter from Dennis Runey, Headmaster of PCA endorsing the plan as well as, confirming the access for the driveways. Mr. Runey also indicated that it is not their desire to have a sidewalk in front of the three lots so not to encourage people to walk onto their property. Kevin McEneaney said that in following up with the sidewalk issue they have come to an agreement that Business Partners Inc. will construct a sidewalk on Seaborne Drive, approximately 450 feet long from Garrison Road to the end of the cul-de-sac. They would install a 5 foot wide sidewalk for the extent of that particular roadway. There was a discussion as to an extension of the sidewalk on Garrison Road from Austin Drive to the point where Seaborne Drive comes in. In that discussion he brought out that there is a fence and heavy vegetation that acts as a buffer for a single family residence. He said that Pete Lavoie and he were not sure whether it would be appropriate or not to have a sidewalk on the opposite side of the road, perhaps with an extension, in the future, all the way down to Garrison Road. Because of that, the applicant will make a cash contribution in the amount of \$2,000 towards the construction of that portion of the sidewalk rather than construct it at this point in time.

Kevin McEneaney reminded the Board of his request for a waiver of the 100 foot setback on Seaborne Drive to 75 feet. He asked for the Board to bear that in mind when the motion was made. He said they would adhere to the 100 foot setback on Garrison.

Ron Cole asked if there were plans for trails etc. in the open space

Bob Miller said that the plans are to transfer the land to NH Fish & Game. He suspects that they would not construct anything more than what is there and that is an entry trail.

Parks Christenbury made the motion to accept the application.
Peg Stevenson seconded.

VOTE U/A

The public hearing was opened.

Bob Billodeau, 14 Austin Drive, said that 450 feet of sidewalk on Seaborne Drive is going nowhere. You can't walk down there. It would be better going down Garrison Road where there are houses and kids who would actually walk on it. You should look at where you can get the best for your money by putting it down Garrison and not down a dead end road that you can't walk on. He said that when you walk along Garrison you dodge the busses and the cars mornings and afternoons. He said that the school zone and the blinking light should be considered. He said that eventually the City would put in a sidewalk on Garrison, so why not get it now instead of later on.

Gloria Bastile, 13 Austin Drive, stated that her house is on the corner and gets the brunt of the traffic. She stated that she has a very hard time getting out of her driveway, and just this morning almost got broadsided by a bus. She said that she wasn't sure if the busses were going too fast or not but the traffic is getting ridiculous. She noted that the busses were coming from the direction of Garrison School.

The public hearing was closed.

Steve Stancel stated that one of the conditions of approval for the recent PCA addition was to extend the school zone, so that is in the works and will occur. He said that in regards to the sidewalks, they felt that the sidewalks on Seaborne would provide access to the new property owners to get to Garrison School and to the athletic fields. It's not clear to them what side of Garrison Road the sidewalk should be. He said they do anticipate additional development on Garrison Road and they do expect to extend the sidewalk at that time. He said that he does agree about the traffic because when he was out there the busses were whizzing by and they were coming from Garrison School. There may be some enforcement issues that need to take place.

Steve Stancel reminded everyone that this is an Open Space Subdivision that received preliminary approval previously and that there are approximately 38 acres on this site and that 38 additional housing units could have been built on this site. He said what has occurred here is a public/private partnership between PCA and the developers to work out a deal and to share the cost of the property.

David Landry felt that sidewalks are a safety issue and thought that if the City was not going to put a sidewalk on Seaborne Drive; then the money should be put in a fund for the Garrison Road sidewalks which is the higher need.

Parks Christenbury said that the Seaborne Dr. sidewalk does not make any sense. He agrees with putting the money in a fund for a future sidewalk on Garrison Rd.

Peg Stevenson agreed that it is a better idea to put money in the fund to extend the sidewalk on Garrison Rd. especially in light of the fact that all of the lots on Seaborne would have their own driveways.

Tony McManus made the motion to eliminate the sidewalks on Seaborne Drive and request the developer to donate the equivalent cost to a fund for a sidewalk on Garrison Road.

Kevin McEneaney said if Community Services wants to come up with a cost on that, it was acceptable to them.

David Landry seconded the motion.

Beth Thompson was concerned about the children who would be walking on Seaborne Drive. She felt that it would be safer with regard to the bus traffic.

Steve Stancel explained that an Open Space Subdivision can have lots off a private road so there wasn't a need to extend the public road in order to create the lots.

Parks Christenbury said that the sidewalk on Garrison Road is big safety issue and his other concern is the vehicles speeding. He said that he would speak to someone about that.

VOTE 7 – 1

Opposed – Beth Thompson

Tony McManus made the motion to approve with the recommendations of the Planning staff as amended.

1. Add the owner's signatures to the plat.
2. Provide the Planning Department with a digital version of the final plat.
3. Provide the Planning Department with proof that lot #22 has been conveyed to the Nature Conservancy for conservation purposes.
4. Provide the Planning Department with proof that "Parcel A" has been conveyed to the Portsmouth Christian Academy. "Parcel A" must be combined with Map J, Lot 1C and shall not be considered a separate building lot.
5. Revise plat to add information on the existing and proposed lot size for the Portsmouth Christian Academy parcel (Map J, Lot 1C).
6. Revise plat to certify that at least 50% of the open land is uplands, per Chapter 155-23, C-2.
7. Add the engineer's stamp and signature to both sheets to the sewer design plans. developer to donate the equivalent cost to a fund for a sidewalk on Garrison Road.
8. The developer to donate the equivalent cost of a sidewalk on Seaborne Drive to the sidewalk fund for Garrison Road in addition to providing \$2,000 prior to issuance of the first Building Permit to be used toward extension cost of the sidewalk along Garrison Road.
9. The impact statement per Chapter 155-22, I-4 needs to be provided.
10. To include the waiver of the 100 foot setback to a 75 foot setback.

Peg Stevenson seconded.

VOTE U/A

ITEM #5: Consideration and acceptance of an application for a Conditional Use Permit for Raftery & Sons Construction, LLC, (owners Eric & Diana Parker) Assessor's Map L, Lot 48G, zoned RM-12, located at 205 Spur Road.* (P0-04)

Pat Raftery stated that this application was submitted after the fact. He said that the house was staked in error and it is encroaching in the tidal buffer zone. He said that they have been to the Conservation Commission and reapplied to the NH Wetlands Bureau. He said that they are still under the 3,000 sq. ft. minimum impact.

Beth Thompson asked how the foundation could get staked improperly. She said that she was told that the property owner had staked it himself. She said that she can't understand how someone who is not licensed could determine where a building should be set. It's a reflection on the City's policy. She said that there should be provisions before the foundation was set in to know whether it was located properly. She said that we need to look at this more seriously in the future.

Steve Stancel stated that he would look into it.

Frank Torr made the motion to accept the application.

Joyce El Kouarti seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Peg Stevenson made the motion to approve with the following staff recommended conditions:

1. The applicant shall receive a NH Wetlands Bureau permit and provide a copy to the Planning Department.
2. The applicant shall prepare a landscaping plan that incorporates mixed vegetation (non-lawn) and native plant materials, in consultation with the UNH Cooperative Extension Service and/or the Strafford County Conservation District. The landscaping plan shall be approved by the Conservation Commission. If the landscaping is not completed prior to the issuance of an occupancy permit, the applicant shall provide a letter of credit equal to the cost of the landscaping.

Joyce El Kouarti seconded.

VOTE U/A

ITEM #6: Old Business

- a. **Discussion and vote on proposed subdivision regulation changes related to recent rezoning requiring Open Space Subdivisions in the R-40, R-20 and R-12 zones.**

Steve Stancel explained that this had gone to a public hearing a couple of months ago and the Board was waiting to approve the proposal after the City Council approved the actual zoning amendments that are related to the particular proposal. He said that this is the last remaining change that was before the Board for final approval.

Joyce El Kouarti made the motion to approve.

David Landry seconded.

VOTE U/A

ITEM #7: New Business

- a. **Discussion regarding proposed School Impact Fees**

Steve Stancel said that the City Council recently moved the legislation allowing the Planning Board to create the actual impact fees. He said that what was required with the Impact Fee document is a public hearing prior to the vote by the Planning Board. Steve Stancel said that they hope to receive a recommendation and a vote by the Board to establish a public hearing on February 25th. He said that because it took so long to get the legislation approved through the process, they did go back to January and updated the numbers, based on the latest school enrollments and school costs. He said that it increased the fee slightly for a single family home, the school impact fee will be \$3,195.

Parks Christenbury asked what type of notification would be needed.

Steve Stancel stated that because this is a Planning Board issue, it's a matter of a 10-day notification.

Parks Christenbury made the motion to forward this to a public hearing on February 25th.

David Landry seconded.

VOTE U/A

- b. **Discussion regarding proposed amendments to the I-40, ETP and B-4 zoning districts and allowing agriculture related activities.**

Steve Stancel stated that one of the positive aspects of the recent public hearing process on the rezoning changes were the recommendations that were made by the public with regard to allowing certain agricultural uses in the existing commercial and industrial zones. He said that when the proposed rezoning went before the City Council, they did make a minor amendment allowing agricultural uses in the new I-4 and B-4 zones. He said that at the same time, they looked at other zones to see where it might make sense to

allow agricultural uses. He said it became evident to them that the ETP zone, which does have a number of agricultural uses already, that it would make sense to allow farming as well. This proposal does allow agricultural uses existing and in the future, including horticulture, floriculture, greenhouse, etc. He said that one item that has come up is that if we are going to allow agricultural uses in these zones, it would also make sense to move forward with a definition of exactly what a farm is. He said that we don't want to see this taken advantage of. He said that they gathered some examples of definitions of farms and agriculture, including what the State uses for a definition in their RSAs. He said that he wasn't sure if the Board wanted to get into picking which definition they would like to see. What he would like to do is to move forward with the posting because it will take a 15 day notice and everyone within the zone and surrounding these particular zones will have to be notified. He said that the earliest that they could hold a public hearing on these zoning changes would be March 11th. He said that between now and March 11th he would like the opportunity to work on the definitions and work with the Board to finalize what our definition of farming would be. He said that the public would be notified in advance that we would be having a public hearing on March 11th.

Parks Christenbury suggested the State definition be used because it's fairly extensive and has withstood the test of time.

Ron Cole said that he has some curiosity with respect to the B-4 zone, concerning a piggery and the 100 foot setback. He said that it just doesn't seem like enough of a setback for a piggery.

Pete Lavoie said that if you have farm animals, they do smell. The shelter to house them has to 100 feet from any boundary, but the animals can be right up to the boundary.

Steve Stancel stated that it is not as simple as it appears because if you start to think about the State definition it says the raising and sale of livestock and does that mean 1 or 2 sheep or 1 or 2 goats. As silly as it sounds, we could see house lots with goats in the back yard, so we have to be very careful.

Beth Thompson stated that her concern has been that there are not enough performance standards included and she sees potential for abuse. She said if you look through some of the things that are presented to us from other communities, there are things like producing a minimum living income, as opposed to your nice house with playground equipment, saying that they have a tree farm and never ever cutting a tree down. She said that the same could be said for produce, they could sell a basket of tomatoes at the end of the summer, and say that they have a farm. Looking at some of the definitions, some have performances that she would like to consider in any ordinance that the City would adopt.

Peg Stevenson said that she agrees with Beth Thompson. One these definitions such as "Principal Purpose" could help along with limitation and requirements that would constitute a farm.

Parks Christenbury said that the appropriate avenue is to have staff insure that this is a commercial type of operation and have the definition that they come up with run by Attorney Ciandella, to be sure the definition would pass the test of time.

Tony McManus made the motion to post the proposal and refer it to a public hearing for March 11th.

Peg Stevenson seconded.

VOTE U/A

c. Discussion of Planning Board Goals and Objectives for the upcoming year.

Steve Stancel stated that last year at this time, the Board got together and created a long list of Goals & Objectives. He said that the Board was very successful in achieving and meeting those goals and objectives. Steve Stancel said that the staff went through the Master Plan, and called out of the different goals and objectives that have yet to be met. Steve handed out the following list as a starting point for discussion. He said that it could be added to or subtracted from.

PLANNING BOARD GOALS 2003

1. Analyze and amend, as necessary, the Subdivision and Site Plan Regulations to incorporate the Phase II Stormwater Management requirements.
2. Review and amend the Economic and Land Use Analysis Chapter of the Master Plan using 2000 Census data and updated land use information.
3. Review the City's Extraction Ordinance (Article VIII, Chapter 170-29-170.31.5) to bring into compliance with NHRSA 155:E.
4. Complete the calculation of impact fees for fire, roads and recreation.
5. Review conservation areas as they relate to being used for density allocations.
6. Expand on Recreation Master Plan – review potential neighborhood park locations - could also recommend Recreation CIP activities, trail locations – greenbelt system
7. Complete Riverwalk Master Plan - North & South
8. Scenic road recommendations – McKone Ln. – review City
9. Develop a gateway plan – protect historic nature of the entry points to downtown
10. Analyze development trend potentials since change in zoning regulations. (buildout #'s change with contiguous upland requirement).

11. Review need to amend site/subdivision regulations to allow for more impact (Environmental & Wildlife studies) to occur before major subdivisions.

Parks Christenbury said that the City no longer has an Ethics Board and one of the goals that Brenda Whitmore and he set when that board was eliminated was to come up with an annual training requirement for boards and an indoctrination training and orientation process especially for the Planning Board and the ZBA. He said that it is unfair to put somebody new directly on the Board on their first night. He said that he is looking for suggestions from the Board in the next couple of months as to what they feel would be a minimal amount of annual training that the City could provide. He said that he envisions doing something in-house. He said that he thinks that Brenda Whitmore, felt that this Board is being reactive and they both would rather it be proactive.

Tony McManus stated that we ought to continue to cooperate with other City agencies in developing the riverfront and to make sure that the Board is active in whatever plans are taking place in that. He said that another one would be to spend some time on a parking and traffic study that would be ongoing in the next year. He said that the Board ought to be working with that group to make recommendations for downtown development, particularly infill of underutilized land and come up with a set of recommendations.

Joyce El Kouarti said that she would like to define a mechanism for using the Transfer of Development Rights Ordinance that we just passed that could be presented to developers that come forward. She suggested a training session of some sort.

Tony McManus said the list that the Planning Department brought forward was a good one.

David Landry said that he agrees with what has been said already. He said that he would like the Board to be more involve with the Technical Review Committee. He felt that no one person should have to go to all of the meetings but maybe they could be split up. He asked Steve Stancel how many TRCs there were per year.

Steve Stancel stated that there are usually 12 to 15 per year and are scheduled on an as needed basis.

David Landry said that he wouldn't mind going to a couple a year. He said that TRCs are held during the day and one person would not be able to do all of them. He said that there is a lot of discussion that goes on to the extent that the Board may want to understand that better or express some concern before they get to vote on it. It may be a part of the training program. He agrees with Tony McManus regarding infill. He said that the infill development subject might be something to have a workshop on. He said that there is a lot of space in the downtown area. He would also like to revisit the Office zone definition because there are a lot of sensitive neighborhoods involved.

Dennis Ciotti asked about the parking garage and if that is still out there.

Ron Cole answered that it is going on as we speak.

Joyce El Kouarti said that Thursday, the 13th, at City Hall, in the Conference Room, the Open Lands Committee, Conservation Commission and the Planning Department will be re-broadcasting the program Livable Landscapes, that showed earlier on PBS on January 29th. She said that it will be followed by community discussion facilitated by Frank Mitchel, UNH Cooperative Extension. She encouraged everyone to attend.

Ron Cole said that well over 50% of the Goals are related to livable landscapes. He said that we are going in the right direction and he is happy to hear Councilor Christenbury stress being proactive instead of reactive.

David Landry stated that Councilor Christenbury has been very positive about the Open Lands monies in the CIP and that is very much appreciated. It strikes him that even though things are tight, people have to look hard at the numbers. He explained that this is a unique situation that while the Council can give the yes to the whole \$2.5 million, they still maintain a huge amount of control as to whether they move forward with that.

Parks Christenbury said that there are two sides to the argument but he said that people have to understand that we are not giving anybody \$2.5 million. He said that the money would only be borrowed when the Open Lands Committee came to the Council and the Council approved it. He said if anyone feels strongly on either side of that issue they have less than 24 hours to make their opinions known to the Council. He said that a lot of Councilors have not made up their minds on that issue so give them a call and let them know how you feel.

Discussion ensued with regard to the open lands and the CIP.

ITEM #8: Adjournment

Peg Stevenson made the motion to adjourn.

David Landry seconded.

VOTE U/A