

**DOVER PLANNING BOARD
MINUTES OF MEETING
MAY 27, 2003**

MEMBERS PRESENT: Margaret Stevenson, Dennis Ciotti, Beth Thompson, Parks Christenbury, Ronald Cole, Tony McManus, Joyce El Kouarti, Pete Lavoie

MEMBERS ABSENT: Allen Schintzius, Frank Torr

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

Chairman Cole brought the meeting to order at 7:03 PM.

ITEM #1: Citizens' Forum

Rick Hebbard, 97 Spruce Lane, asked what happens when the Planning Board stipulations are broken. He said that Portsmouth Christian Academy has broken several Planning Board stipulations many times. He said that he has spoken to Steve Stancel about this a number of times and his response was that the only way they could enforce this was to withhold the Certificate of Occupancy. Mr. Hebbard stated that withholding a CO would have no impact on them. He asked who would take care of debris being tracked up and down the road by construction trucks. He said that he feels that he should not have to patrol his neighborhood. He said the only way to get their attention is with a big dollar sign. He said that maybe for every stipulation that is broken the opening of that building should be delayed for a week or a month. He asked that this problem be looked into.

Parks Christenbury stated that he understands his frustration. He said that the Planning Board is not an enforcement board. He said that this is the function of the Code Enforcement Officer and in some cases, the Police for uncovered loads. He said that the first point of contact would be the Code Enforcement Office and if there is no satisfaction, it would be the City Manager's Office or the City Councilor for your ward.

Rick Hebbard said that there was a stipulation that there be no busses going down Spruce Lane and that still occurs. He asked what Tom Clark would do about that.

Ron Cole suggested that he speak to the City Councilor for his ward or any of the Councilors at large and the City Manager or the Assistant City Manager who are being paid to run the City.

ITEM #2: Approval of minutes.

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

VOTE U/A

Abstained – Dennis Ciotti

ITEM #3: Consideration and acceptance of an application for minor lot line adjustment of land for John E. MacLatchy and The City of Dover, Assessor's Map L, Lots 40-23, zoned R-20, located on Spur Road* (P03-23)

Bob Stowell, Trittech Engineering, represented the applicant and explained that the lot line adjustment will make the lot more suitable for a building site for a house. He said that Spur Road is an old railroad right-of-way and is much larger than what the City needs for a City street. He said that the owners will be leaving a conservation easement that will be kept in its natural state to keep it from being built on.

Parks Christenbury made the motion to accept the application.
Tony McManus seconded.

VOTE U/A

The public hearing was opened.
There were no speakers.
The public hearing was closed.

Pete Lavoie pointed out that there is a 3 foot culvert on the northerly end that falls within the conservation district. He asked if the City would have the right to maintain it .

Steve Stancel stated that it would be part of the drafted Conservation Easement.

Parks Christenbury made the motion to approve with the following conditions:

1. Add the owners' signatures to the plat.
2. Provide the Planning Department with a digital version of the final plat.
3. Revise the plat by adding the surveyor's stamp and signature.
4. This approval is contingent on the granting of a conservation easement to the Dover conservation Commission for the area identified on the plat.
5. This approval is contingent on obtaining approval from the Dover city Council for conveyance of the city-owned right-of-way.

Peg Stevenson seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of an application for a Conditional Use Permit of land for Ray Bardwell, Assessor's Map L, Lot 45F, zoned R-20, located at 175 Spur Road.* (P03-24)

Peg Stevenson and Tony McManus recused themselves from this item.

Ron Cole stated that he has done business in the past with Mr. Bardwell but he does not feel that it affects him in any way, shape or form with respect to any decision that he would make.

Ray Bardwell explained that the new owner of the parcel, Susan Parker, wants to raze the existing house because of its structural integrity and build a new house in its place. He stated that Ms. Parker has received NH DES approval. Mr. Bardwell stated that the asphalt behind the house will be removed and planted. He said that Ms. Parker has also been to the Conservation Commission and Tom Fargo suggested the type of plantings. He said that they will be building a two story structure. He said that they are reconfiguring the drive so that they will not have to back into Spur Road. He said that they are going to get a licensed surveyor to locate the exact location of the foundation which will become part of the Building Permit.

Beth Thompson made the motion to accept the application.

Pete Lavoie seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Stancel stated that they went to the Conservation Commission on November 4, 2002 and they recommended approval of the Conditional Use Permit with three conditions as follows: 1. That a conservation easement will be instituted to protect the undeveloped portion of the parcel with the terms of the Conservation Easement being up to Mr. MacLatchy 2. No cutting of trees can be done with the exception of the removal of dead wood. 3. The Conservation Commission (i.e., the City of Dover) would hold the easement.

Steve Stancel stated that a NH Wetlands Bureau Permit was granted on January 29, 2003 and the Planning Department recommends approval with several conditions.

Parks Christenbury made the motion to approve with the following conditions:

1. The owner shall comply with the conditions of the NH Department of Environmental Services Wetlands Permit #2002-02567.
2. The owner shall install a silt fence around the disturbed soil areas to prevent run-off.
3. The owner shall take appropriate steps to manage excavated soils
4. The owner shall replant the area of the current driveway to be removed and back lawn with a mixed vegetative buffer, prior to the issuance of a Certificate of Occupancy. The landscaping plan shall be approved by the Conservation Commission.

Beth Thompson seconded.

VOTE U/A

ITEM #5: Consideration and acceptance of an application for a minor subdivision of land for Tri-City builders, Inc., Assessor's Map 17, Lot 39, zoned R-12, located on Stark Avenue.* (1 lot)(P03-25)

Atty. Jim Schulte represented the applicant and explained that the subdivision is in an R-12 zone requiring 12,000 sq. ft. and that each of the lots will have about an acre and one half of land with 100 feet of frontage. Mr. Schulte stated that the surveyor has confirmed that there is 12,000 sq. ft. of contiguous upland.

Beth Thompson made the motion to accept.

Dennis Ciotti seconded.

VOTE U/A

The public hearing was opened.

Charles Leighton stated he was an abutter and asked for an explanation of the plan.

Atty Schulte explained to Mr. Leighton that there would be two single family houses built on the lots.

Mr. Schulte stated that there are two existing curb cuts and they would like two individual driveways rather than having the shared drives. He said that at one time it was thought possible to have a third lot in the back and that is where the shared driveway originated.

The public hearing was closed.

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

1. Add the owner's signatures to the plat.
2. Provide the Planning Department with a digital version of the final plat.
3. Revise the plat by adding a note indicating that each lot contains a minimum of 12,000 square feet of non-wetland area.
4. Revise the plat by adding a note that each lot will be serviced by municipal water and sewer.
5. Revise the plat to show the dimensions of the access easements for the shared driveway.

Beth Thompson seconded.

VOTE U/A

ITEM #6: Consideration and acceptance of an application for a minor lot line adjustment of land for Brian Caven, Jean-Jacques & Monique Lasserre, Sareen Sarna & John Gesek, Ruth Wilson & City of Dover, Assessor's Map L, Lots 28, 29, 30, 33, 34, zoned R-20, located on Spur Road.*(P03-26)

Kevin McEneaney represented the five applicants. He said that this is basically a housekeeping item and will have to go to the City Council for final approval.

Beth Thompson made the motion to accept the application.
Peg Stevenson seconded.

VOTE U/A

The public hearing was opened.
There were no comments.
The public hearing was closed.

Parks Christenbury made the motion to approve with the following conditions:

1. Add the owner's signatures to the plats.
2. Provide the Planning Department with a digital version of the final plats.
3. Revise the plats to add the minimum building setback lines to all lots.
4. Revise the plats to add a note identifying the zoning district and dimensional requirements.
5. Revise the plat to add a 15-foot wide drainage easement along the northern property line of the Brian Caven lot to the City for the existing 30-inch culvert.
6. This approval is contingent on obtaining approval from the Dover City Council for conveyance of the city-owned right-of-way.

Peg Stevenson seconded.

Tony McManus stated that he has represented the Willsons in the past but since there are four other applicants he doesn't find there is a conflict.

VOTE U/A

ITEM #7: Old Business

a. Discussion regarding Article VII-Extraction Industries

Steve Stancel stated that on the desks is a two paragraph explanation of the changes that were made to the Extraction industries Ordinance.

Discussion ensued with regard to the changes made.

Peg Stevenson stated that proof of a surety bond for the permit period was added as #4 under 170-30.3C Other Information. She said that, however, it does not include the phrase "for the duration of the permit period." She said that she feels that is an important addition to it and would add clarification.

Tony McManus made the motion to refer this Ordinance to a Public Hearing.
Peg Stevenson seconded.

VOTE U/A

Steve Stancel stated that it will on the June 24th meeting because of the 15 day notification period.

b. Request for Mr. Williams for a 120 day extension of approval for Elliott Rose Company of Dover Subdivision Plan and Massage for Health Site Plan (P02-35 and P02-34)

Parks Christenbury made the motion to approve the extension.
Beth Thompson seconded.

VOTE U/A

ITEM #8: New Business

a. Request for a Waiver of the School Impact Fees from Doug Dodd for his subdivision on Washington St., Map G, Lots 7 – 1.

Tony McManus made the motion to approve.
Peg Stevenson seconded.

VOTE U/A

Ron Cole stated that there was a discussion at the last meeting regarding asking that an alternate to the City Council representative be appointed in his absence.

Parks Christenbury stated that they are revisiting the City Charter and City Code. He said that there are several issues that have been raised that are now before the City Attorney to determine if there is a conflict on how members are chosen.

Tony McManus asked what the status of the Dan Ayer plan was.

Steve Stancel stated that he would bring him up to date at the next meeting.

Parks Christenbury stated that one of the things that we have to be cognizant of is applicants will make agreements to do certain things that we really don't have a right to make them do. He said that we have been very fortunate that the applicants that we have had before us are willing to go the extra mile to satisfy the abutters. He said that he would sit with the City Manager and staff and discuss the school bus matter. Some of the busses that are running are not associated with that school. In his personal opinion he thinks that the school has been very accommodating to the neighborhood.

Ron Cole stated that he doesn't have a problem with Portsmouth Christian Academy . He said that the speaker tonight was upset because the location of the school will change the neighborhood forever. He said that we should marshal all the troops and work with the residents of the community to make it as easy as can be. He said that he wants them to know that we are trying to do all that we can.

Tony McManus stated that he wasn't clear if the Board had made it a condition of approval that no busses could go on Spruce Lane. He said if the Planning Board approved that as a condition and the condition is not being met, then he would want to see that enforced.

Steve Stancel stated that he would like to clarify what he has gone over the situation with Mr. & Mrs. Hebbard several times. He said that keeping the school busses off Spruce Lane was a condition of approval for the new high school that is yet to be built and completed. He said that technically, the busses are still running from the previous existing use which we have no authority or control over. Also, the Hebbards have been complaining about the construction vehicles so he did put in a call to Dennis Runney and Mr. Runney told him verbally that he would speak to the bus drivers because they were still going to try to keep the busses off the road and he would also speak to the contractors. He said that apparently a bus went on the road today too.

Tony McManus stated that there is no prohibition of busses going on Spruce Lane to the elementary school but there will be a prohibition upon the completion of the high school and that should be made clear to the complainant.

Beth Thompson stated that some of the busses could be coming from visiting school teams.

Ron Cole stated that there could be signage put up and Mr. Runney could make it clear that they are not allowed on Spruce Lane.

ITEM #9: Adjournment

Beth Thompson made the motion to adjourn.

Dennis Ciotti seconded.

VOTE U/A