



**CITY OF DOVER**

## PLANNING BOARD – STAFF MEMO FILE: P02-41

Application Type: N/A  
Applicant(s): PCA, 20 Seaborne Drive., Dover, NH 03820  
Owner(s): PCA, 20 Seaborne Drive., Dover, NH 03820  
Location: 20 Seaborne Drive (Assessors Map J, 1C)

**INTENT:** Discussion previously approved condition of approval.

**LOTS/UNITS PROPOSED:** N/A

**YIELD PLAN LOTS:** N/A

**AGENDA ITEM #:** 4A

**ACREAGE:** N/A

**ZONING DISTRICT:**  
R-40 Rural residential

**EXISTING LAND USE:**  
K – 12 Education

**PROPOSED LAND USE:**  
K – 12 Education

**SURROUNDING LAND USE:**  
Single Family residential

**ZONING HISTORY:** Zoned R-40 in 1979

**ZBA ACTION:** N/A

**ATTACHMENTS:** background material

**PERMITS REQUIRED:**  
None

**WAIVERS REQUESTED:**

- none

At the March 10, 2009 Planning Board meeting, residents of Spruce Lane brought a complaint to the Planning Board regarding bus traffic on Spruce Lane. This bus traffic is associated with Portsmouth Christian Academy. The Board requested that staff place an item on the agenda to discuss with the applicant the complaints by the resident.

Upon follow up, PCA furnished the attached background information documenting how they have interpreted the condition from the 2002 approval of their site plan. The approval reads "Applicant agrees to direct all school buses to use Garrison Road to access the site."

Also included with this memo are copies of staff letters to PCA and the resident documenting investigations by staff during the 2008 -2009 school year.

Chapter 149 section18. "Enforcement; failure to comply with order; violations and penalty." Reads:

"If, after an occupancy permit, temporary or permanent has been issued and the building or buildings are occupied and/or used, the Planning

Board finds that any of the conditions of an approved final site review application are in violation, the Planning Board, or its authorized representative, shall order the owner to make such corrections as it deems necessary to bring the use and operation into compliance with the provisions of such approval. Such order shall be complied with within a period of time extending not more than thirty (30) days from the original notice. Where the owner fails to comply with the notice of the Planning Board, a fine not to exceed one hundred dollars (\$100.) per day may be levied against said owner, and the certificate of occupancy shall be revoked as per RSA 676:4-a."

The Planning Department recommends that the Board ask PCA to explain how they interpret the condition of approval and how it uses the condition to operate its use. During the discussion staff urges the Board to allow for a civil discourse with the complainant and PCA.

After the discussion, staff is hopeful that it can receive direction whether the Board wishes to begin proceedings following Chapter 149 -18, or pursue an alternate resolution.