



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, March 24, 2009
Meeting Time: 7:00 pm

REGULAR MEMBERS PRESENT: Ron Cole, Frank Torr, Marcia Colbath, Kirt Schuman, Don Andolina, Dean Trefethen, Perry Plummer, John Swartzendruber

REGULAR MEMBERS ABSENT: Doug Steele

ALTERNATE MEMBERS PRESENT: Ron Stock, Linda Merullo

STAFF PRESENT: Christopher Parker, Planning Director, Steve Bird, City Planner and Jennifer Bretz, Planning Secretary

Meeting called to order at 7:02 pm.

Ron Stock sat in for Doug Steele.

1. CITIZENS FORUM

Rick Hebbard, 97 Spruce Lane, stated he would like people to visit the new Rt. 4/Rt. 109 roundabout, in Sanford, ME, that was changed from an intersection. It used to be a busy intersection now you can get through that area quickly.

He passes out photos regarding Portsmouth Christian Academy.

He stated that the photos he has are proof of hundreds of violations that PCA busses have made. This problem has been going on from 2002-2009. He is speaking out for the community and the neighborhood to protect families and children who walk on Spruce Lane and Garrison Road. Spruce Lane has no shoulders or sidewalk to walk on. Trees grow out of the edge of the pavement and lean inwards, toward the road which presents a problem due to the buses having to drive towards the center of the road. Spruce Lane is not designed for buses to drive down. Garrison Road was built to have that amount of traffic.

Mary Hebbard, 97 Spruce Lane, stated on September 24, 2002, the Planning Board approved the PCA High School and Gym Annex site plan. One of the Conditions of Approval, recommended by then Headmaster Rooney, was Condition 8. which stated, "the applicant agrees to direct all school buses to use Garrison Rd to access the site." A running log was kept to track violations. They were told that they needed independent proof of the violations. They have submitted, numerous, time stamped photos to the Planning Dept. showing bus violations. On July 25, 2008, the Building Official, Tom Clark, wrote a letter to PCA regarding the repeated bus violations.

She read the letter which discussed revocation of PCA's Occupancy permit.

When they received a letter from Director Parker stating that the Planning Department was asking the school to explain the violations on Spruce Lane. They want to know what happened to the revocation proceedings.

Pat Wulfson, 5 Rainbow Drive, stated Rainbow Dr. is off of Spruce Lane. She previously used to walk the Garrison/Spruce loop. Since the school traffic has been in place, she has not been able to walk the loop. She would like to know why nothing has been done regarding the buses.

2. APPROVAL OF MINUTES OF MARCH 10, 2009

Motion: Torr made the motion to approve the minutes with corrections, Swartzendruber seconded. Vote: U/A Stock abstained.

Cole stated on Page 1, he had made the announcement that Dan Barafuldi was the new Economic Developer but it should be mentioned that he was present as well.



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3. OLD BUSINESS

- A. Consideration and acceptance of a major subdivision of land and conditional use permit for Scott Coughlin, Assessor's Map I, Lots 94C & 127A, zoned R-40, located on Hidden Valley Drive. (P09-03) (10 lots)

Motion: Torr made the motion to remove the item from the table, Trefethen seconded. Vote: U/A.

Kevin McEneaney represents the applicant. He stated that some revisions have been made to the original plan. He proceeded to go over the revisions.

He stated that he had looked over a copy of the Staff recommendations. His only concern was with condition 9 which states, "The applicant shall construct wooden paddocks and riding ring for horses prior to the issuance of the third certificate of occupancy." In regards to the wooden paddocks, what's in place now is a tape fence. It's white in color, electrified and it stretches. Replacing the paddock area, 1.4 miles, with wooden fences, would cost \$110,000-\$150,000. From a financial standpoint, it doesn't make sense. He's requesting that condition 9 be removed.

Colbath stated she'd like to know the sequence in regards to the permits. She's just concerned that there will be houses built and the horses will not be contained.

Parker stated there are four trigger points for Conditions of Approval:

1. Prior to the plan being signed.
2. Prior to any land destruction.
3. Prior to the building permits.
4. Prior to the Certificate of Occupancy.

In this case, after talking to McEneaney and Coughlin, Staff looked at when the riding ring needed to be removed. It would be after the third house was put in. What was said is before the issuance of the third permit, the riding ring has to be relocated to a proper location. Before the signing of the plans, Staff wants to see where the ring will go.

Colbath stated the paddocks have to be built to a standard where the horses will not get out frequently. Colbath stated the current ones are not very secure.

Parker asked McEneaney if they could get third party opinion on the security of the paddocks.

Scott Coughlin, applicant, stated a lot of his customers have different opinions on all types of fences. The fencing in place stretches if the horse goes into it and its electrified. His children play in the yard. There is not a fence that separates the paddocks from his house. There are some new products. He looked at over ten different types of fences. One recommended by a fence company was a rubber fence that could be electrified. He has not had a problem with the tape.

Discussion ensued regarding maintenance of the horse fence.



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Public Hearing Open

Rick Hebbard, 97 Spruce Lane, stated NH is a rural and agricultural state. There will be 10 homes and 20 people who will live in these homes. He believes that individuals moving into the area should adapt to the area not the area adapt to them.

Public Hearing Closed.

Parker read staff comments.

Conditions to Be Met Prior to Signing of Plans:

1. Add the owners' signature to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Subdivision Permit and add the permit number to the plat.
4. The applicant shall submit proposed Homeowner's Association Documents, addressing private road maintenance, horse paddock maintenance road status remaining private, above-ground utility maintenance, horse farm and manure management, household waste management, open space preservation and maintenance, use of open space by equestrians, and 50-foot and 100-foot buffers remaining in their natural state. These documents shall be reviewed by the Planning Department, with consultation by the City Attorney on the proper form of the documents.
5. Approval includes the granting of the three requested waivers for the reasons stated by the applicant.
6. Applicant shall revise the plat to show future location of riding ring.

Conditions to Be Met by the Applicant Prior to Any Land Clearing:

7. The applicant shall have the surveyor stake the 50-foot no cut buffer on lots 1, 2, 5, 6, 7, 9, and 12, and the 100-foot no-cut buffer on lot 12. This shall be checked and approved by the Building Official and City Engineer.

Conditions to Be Met Prior to Issuance of a Building Permit:

8. Any new dwelling unit shall be assessed the school impact fee of \$3,654, the recreation impact fee of \$1,184, the police impact fee of \$276, and the fire impact fee of \$530 at the time of building permit application.

Conditions to Be Met Prior to Issuance of a Certificate of Occupancy:

9. The applicant shall relocate the riding ring for horses prior to the issuance of the third certificate of occupancy.
10. The required upgrades to Hidden Valley Drive shall be completed and inspected by the City Engineer.

Parker stated looking at the Conditions, lot 12 fronts off of Piscataqua Rd which means it will have a driveway off of Piscataqua Rd. The Planning Department recognizes that there will have to be some of disturbance to the 100 ft buffer to install the driveway. If anyone is concerned about that, a note can be put in regarding it.

Torr stated a note should be put onto the plans.

Parker revised the Conditions to include:

7. The applicant shall revise the plat, on Page 3, by amending the note on the 100 ft buffer that a driveway will be installed from Piscataqua Rd. to lot 12.



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Trefethen asked a question about the impact fees.

Motion: Torr made the motion to approve with conditions, Colbath seconded. Vote: U/A

4. NEW BUSINESS

A. Discussion and consideration of previous conditions of approval from the Planning Board meeting of September 24, 2002 for a site review of land for Portsmouth Christian Academy, Assessor's Map J, Lot 1-C, zoned R-40, located at 20 Seaborne Drive. (P02-41)

Colbath steps down. Merullo sat in for Colbath.

Schuman stated as incoming Director of the Chamber of Commerce, of which PCA is a member, he will step down if he needs to.

No one objects to Schuman sitting in.

Cole stated that during Citizens Forum, the Board heard concerns from individuals.

Parker stated that they are discussing the condition of approval at the beginning of the school year, they did have issues. Letters were sent to the school and they did respond but the issues have not been with the school buses that are operating on a daily pick up and drop off schedule. The issue is buses transporting students to PCA that are involved in extracurricular activities.

Brian Bell, Headmaster of PCA, stated that their intention is to be good neighbors. He's the new Headmaster, he started in July. His purpose is to show that they are in compliance with the conditions of their permit.

Bell went over a packet of information that shows how PCA is trying to prevent buses from using Spruce Dr. (In file)

Merullo asked Parker if a sign could be put on Spruce Lane stating no buses allowed.

Bell stated a sign would be useful but the difficulty is determining what percentages of those buses are from PCA. The City of Dover and PCA both use First Student buses. It's difficult for any neighbor to know which school the bus is for.

Parker stated that that's the major issue. When a complaint is received, Parker contacts the School Dept. and PCA. When contacting the School Dept., they explain that First Student is the company used and that they do pick up students on Spruce Lane. Spruce Lane is a public road that the City does utilize. There was discussion about going to TAC to request putting up a sign at the intersection of Spruce Lane and Back River Road. But they're unsure of how the sign would have to be worded to only allow City school buses on. The problem with that is the Police Dept. would not be able to enforce it.



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Plummer stated signage on Spruce Lane would be good. The sign should say all buses must use Garrison Rd. If it's unsafe to have PCA buses on it, should anyone else be able to use it? If it's a safety issue, should any buses be allowed on it?

Parker stated it's something that would have to be discussed with Chief Colarusso.

Discussion ensued regarding the signage.

Parker stated that after looking at everything he saw that there were three alternatives. The first option would be the conditions are being met and that there are abnormalities. The second option would be to say that the condition is unreasonable and does the Board want to take the next step of removing it? The third option would be to say that PCA is not being responsible and take away their Certificate of Occupancy permit. The two latter options would require a public hearing.

Trefethen stated he falls into the category of option one. The Board should table this until 1st June meeting. They should go through the TAC process to put up signs.

Motion: Trefethen made motion to table PCA until the June 9, meeting, Merullo seconded. Vote: 8-1, Torr opposed.

B. Lot Merger Form

Parker stated that he wanted to notify the public that there was a Lot Merger form that Cole had signed. The Planning Department is required to publicly note the Lot Merger form was received. It was for Donald and Miriam Walker of Port Charlotte, FL referencing a few lots on Mill St. and that they have been merged.

C. Request for an Extension for Edmund Vachon located on Spruce Lane/Garrison Road

Parker stated a letter was received from Trittech Engineering regarding the property at the corner of Spruce Lane and Garrison Road. It is a three lot subdivision that was approved in September. Parker issued the 90 day extension in December which expired on March 8, 2009. They are now asking for a 30 day extension.

Cole stated the structures were not removed due to the harsh winter. He believes that structures could have been taken down.

Plummer asked if they could still request an extension since the extension expired on March 8 and the letter came in on March 20th.

Parker stated that the Planning Department has traditionally allowed that.

Trefethen asked if it is 30 days from today's date.

Parker stated his recommendation would be 30 days from today seeing that the applicant is not present to clarify the date.



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Motion: Plummer made the motion to approve the extension, Stock seconded. Vote: 8-1 Andolina opposed.

5. STAFF COMMENTS

6. COMMITTEE REPORTS

Tom Fargo, Conservation Commission Chair, stated the subcommittee started working on the Subdivision Chapter in October. He proceeded to go over the changes made to the subdivision section. (In file)

Cole stated that Kirt Schuman is officially resigning tonight. He proceeded to thank Schuman for all of his hard work on behalf of the City.

Cole stated that there is a permanent slot open on the Planning Board as well as an Alternate position.

7. ADJOURN

Motion: Torr made the motion to adjourn at 9:15 p.m., Trefethen seconded. Vote: U/A.