



**CITY OF DOVER**

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820  
Meeting Date: Tuesday, May 12, 2009  
Meeting Time: 7:00 pm

**REGULAR MEMBERS PRESENT:** Ron Cole, Frank Torr, Marcia Colbath, Dean Trefethen, Perry Plummer, Doug Steele, John Swartzendruber, Linda Merullo

**REGULAR MEMBERS ABSENT:** Don Andolina

**STAFF PRESENT:** Christopher Parker, Planning Director and Jennifer Bretz, Planning Secretary

Meeting called to order at 7:03 pm.

### 1. CITIZENS FORUM - NONE

### 2. APPROVAL OF MINUTES OF APRIL 28, 2009

**Motion:** Merullo made the motion to approve the minutes, Torr seconded. Vote: U/A

### 3. OLD BUSINESS

- A. Consideration and possible vote on a major subdivision of land and conditional use permit for KPRP, 165 Henry Law Ave, LLC, Assessor's Map 21, Lot 5, zoned R-12, located at 165 Henry Law Ave. (P08-25) (9 lots)

Parker read staff comments:

This project was reviewed by the TRC on June 26, 2008, and was heard by the Conservation Commission on September 8, 2008. The Planning Board accepted the application and held a public hearing on September 9, 2008. A joint site walk was held on September 23, 2008 and the Conservation Commission recommended approval of the Conditional Use permit on October 6, 2008.

#### Conditions to Be Met Prior to Signing of Plans:

1. Add the owners' signatures to the plat.
2. Add the surveyor's stamp and signature to the plat.
3. Provide the Planning Department with a digital version of the plat.
4. The approval includes granting the Conditional Use Permit for the 20 percent slope impact.
5. Revise sheet #2 the plat to label the road as a proposed public right-of-way to be deeded to the City and not as lot 5-10.
6. Revise sheets #2, 3, & 4 by removing the polygon on Lot #5-5.
7. The applicant shall submit a proposed deed transferring the right-of-way to the City, said deed shall be reviewed by the Planning Department, and approved as to form by the City Attorney, but not signed until the right-of-way is ready to be transferred.
8. The applicant shall submit the proposed wording for the drainage easement, wetlands and buffer preservation deed, and no-cut buffer deed to the Planning Department for review and approval, with consultation by the City Attorney on the proper form of the documents.
9. The approval includes a lot line adjustment between an area of proposed ROW and lot 21-5B. The applicant shall provide a Lot Line Adjustment sheet to the plan set.
10. The applicant shall provide the Planning Department with proof that the Environmental Protection Agency Notice of Intent has been filed.

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

11. The applicant shall install all vegetation proposed along abutting parcels.



**CITY OF DOVER**

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820  
Meeting Date: Tuesday, May 12, 2009  
Meeting Time: 7:00 pm

12. In lieu of providing on-site recreation, the applicant agrees to contribute funds for off-site recreation facilities at Maglaras Park, in the amount of \$3,000.
13. Any new dwelling unit shall be assessed the school impact fee of \$3,195 at the time of building permit application.
14. The applicant shall pay the Community Services Vehicle Capital Improvement Program fee of \$3,331.44.
15. The applicant shall provide a payment of \$3,000 towards the extension of a culvert along the lot line separating 169 & 175 Henry Law Avenue. The extension of the culvert will be completed during the Henry Law Avenue project.

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

16. The applicant shall hold a neighborhood meeting with representatives of the Fire Department and the blasting company in attendance, prior to any on-site blasting or land clearing, to review the blasting plan.
17. The applicant agrees to have the surveyor stake the no cut buffer along the outside of lots 5-1, 5-2, and 5-3. This shall be checked and approved by the Building Official and City Engineer.

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

- B. Consideration and possible vote on a minor lot line adjustment of land for Wentworth Douglass Hospital, Assessor's Map 28, Lot 2, 3, 4 & 5, & Map 37, Lot 1, zoned Office, located at 789 Central Ave. (P09-07)

**This item will not be heard tonight.**

- C. Consideration and possible vote on a site review of land and conditional use permit for Wentworth Douglass Hospital, Assessor's Map 28, Lot 2 & Map 37, Lot 1, zoned Office, located at 789 Central Ave. (162,715 sq. ft. addition & relocation of Old Rollinsford Rd.) (P09-06)

**This item will not be heard tonight.**

- D. Consideration and possible vote on a site review of land for Dermatology & Skin Health (owner: Long Road, LLC), Assessor's Map 29, Lot 23, zoned Office, located at 784 Central Ave. (6,608 sq. ft. addition) (P09-09)

**This item will not be heard tonight.**

- E. Consideration and possible vote on a site review of land and conditional use permit for River Valley Development Corp., (owner: Karen Lawrence & Sandra Devenney) Assessor's Map K, Lot 23, zoned B-3, located at 46 Dover Point Rd. (6 commercial units totaling 3,552 sq. ft. & 6 residential units) (P09-08)

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

Atty. James Schulte represents the applicant. He stated he had some concerns in regards to number 6 of the Conditions of Approval which states, "The applicant shall provide proof that the fence encroachment issue with Dover Point Office Park has been resolved to the satisfaction of the Planning Director." Dover Point Office Park Condominium has expressed that they would like to remove the fence which stands between the two parcels. His client has a strong interest in the removal of the fence and putting in landscaping instead. When Dover Point Office Park was originally approved, the fence was required because the person



**CITY OF DOVER**

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820  
Meeting Date: Tuesday, May 12, 2009  
Meeting Time: 7:00 pm

that owned 46 Dover Point Rd had a single family residence. He was in opposition to the office park going in. The fence was put in to screen his residence. That is no longer an issue. They will be coming to the Planning Dept. with a landscaping plan which would be helpful to delineate the boundary line between the properties. The next matter is condition 4 which states, “Any new dwelling unit shall be assessed the school impact fee of \$1,340, the police impact fee of \$276, the fire impact fee of \$467, and the recreation impact fee of \$1,068 at the time of building permit application (net increase of five dwelling units). The office space shall be assessed the police impact fee of \$497 and the fire impact fee of \$426.” When they calculated their impact fees it was based on this project being multi-family project. City Planner Steve Bird explained that the fees were based on it being a townhouse project. The approval they received from the Zoning Board was for multi-family units. The purpose of impact fees is to address the impact on City services. Based upon the City’s analysis, townhouses have a different impact than an apartment building. They have a concern with the credit they are receiving. He believes that it should be calculated differently.

Bob Stowell, Trittech Engineering, stated the landscaping was discussed at the site walk. There is a nice row of vegetation along Dover Point Rd. They had always intended on saving the large trees on Dover Point Rd. They’ve gone through everything with the Technical Review comments, they’ve been to the Zoning Board and the Conservation Commission. At this point he believes they’ve resolved any technical issues.

Trefethen asked for a follow up regarding the sign question, from the last meeting. He asked if there would be signs for the individual businesses.

Mike Patenaude, applicant, stated there will be one sign indicating Market Square. Below that, he’d like to have 6 small signs that state the commercial use. He’s trying to keep it as residential as possible

Public Hearing Open-Public Hearing Closed

Parker read staff comments:

### **Conditions to Be Met Prior to Signing of Plans:**

1. Add the owners’ signature to the plan.
2. Add surveyors and engineer’s stamps and signatures to the plans.
3. The approval includes the granting of the Conditional Use Permit.

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

4. The applicant shall revise the landscape plan to include vegetation to replace the fence encroachment with Dover Point Office Park.
5. Any new dwelling unit shall be assessed the school impact fee of \$1,340, the police impact fee of \$276, the fire impact fee of \$467, and the recreation impact fee of \$1,068 at the time of building permit application (net increase of five dwelling units). The office space shall be assessed the police impact fee of \$497 and the fire impact fee of \$426.
6. The new dwelling units and office building shall be responsible for all water and sewer investment fees due at the time of building permit application.

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

7. The applicant shall have replaced the fence with vegetation in accordance with the agreement with Dover point Office Park.



**CITY OF DOVER**

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820  
Meeting Date: Tuesday, May 12, 2009  
Meeting Time: 7:00 pm

Parker explained the difference between multi-family units and townhouses.

Cole asked Parker a question about the vegetation replacing the fencing.

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

#### 4. NEW BUSINESS

- A. Public Hearing to solicit public input on the Dover Land Use Code and areas that may need to be reviewed.

Public Hearing Open

Kirt Schuman, Executive Director of the Dover Chamber of Commerce, stated he has a few items to go over as they are looking to review and revise the Land Use Code. He encourages more mixed use zones so there is more of an opportunity to live and work in close proximity. Encourages downtown residential to drive the City's downtown commercial uses. Promote creative reuse of sites, buildings and facilities. Encourage the use of environmentally sustainable products more appropriate as this is a growing employment base within the State of NH. Continue the balance of retail pad, corporate campus and industrial park development. That seems to have been attractive to commerce over the last couple of years. Provide appropriate parking facilities to make it attractive to locate businesses within the community. To continue to maintain the healthy mix of uses that maintains the integrity and character of our community while providing flexibility of uses for business growth.

Public Hearing Closed

- B. Consideration and possible vote on endorsement of the City's application to the New Hampshire Department of Resource's and Economic Development to establish economic revitalization zone tax credits program.

Parker stated it is a state program that allows businesses to receive business enterprise tax credits. They do so if they provide jobs or reinvestment to existing facilities or buildings through mechanical or capital upgrades that allow them to keep sustaining themselves. He proceeded to go over the proposed districts. It's an item that will be going to the City Council on May 27.

**Motion:** Plummer made the motion to pass the application on to City Council with a positive recommendation, Colbath seconded. Vote: U/A

#### 5. STAFF COMMENTS

Parker went over a list of workshops offered through the UNH Stormwater Center. The Piscataqua Estuaries Partnership will cover the registration fee.

#### 6. COMMITTEE REPORTS

Torr stated the Waterfront Advisory Committee met with City Attorney Alan Krans to receive an update on the Land Disposition Agreement. The public hearing for it will be on May 21 at 6:00 pm.



**CITY OF DOVER**

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820  
Meeting Date: Tuesday, May 12, 2009  
Meeting Time: 7:00 pm

### 7. ADJOURN

Motion: Merullo made the motion to adjourn at 7:39 pm, Swartzendruber seconded. Vote: U/A.