



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, June 23, 2009
Meeting Time: 7:00 pm

REGULAR MEMBERS PRESENT: Frank Torr, Marcia Gasses, Dean Trefethen, Perry Plummer, Linda Merullo, Don Andolina

REGULAR MEMBERS ABSENT: Ron Cole, Doug Steele, John Swartzendruber

STAFF PRESENT: Steve Bird, City Planner, Jean Glidden, Recording Secretary

Vice Chair Frank Torr sat in for Ron Cole.

Meeting called to order at 7:03 pm.

1. CITIZENS FORUM

Ray Bardwell, 199 Spur Road, stated he is here to talk about the Dover Point reconstruction. He's glad that the Council is going to reconsider saving the General Sullivan Bridge.

He submitted a copy of the Spaulding Turnpike improvements map as well as a copy of today's Foster's Daily Democrat "Your Political Opinion" column.

He stated the Board should have another work session on the Spaulding Turnpike improvements because it's easier to change lines on paper instead of when construction has already started. Coming over the bridge, from Portsmouth, you wouldn't be able to get off of Spaulding to get to Hilton Park and you wouldn't be able to get back on if you've been at Hilton Park. They are putting a tunnel under the bridge so you can go two ways but that is the only way Hilton Park and Wentworth Terrace would be able to be accessed. If you want to go to Concord or Durham, you will exit off to the right, paralleling the existing exit for Dover Point. If you want to go to Durham, you come up to a stop light. That light is activated by the cars coming down Dover Point Rd, by the cars coming back from Newick's or the Hilton Park that want to go North on the turnpike. He's been in discussion with the State. His thought was you take the traffic coming off of the turnpike and keep it free flowing which the existing Exit 6W does. He has never seen a back up or a roll over on that exit. Dover is getting a raw deal. The traffic will be backed up more. He feels that it is giving the local traffic a free flow but not the Spaulding Turnpike traffic. He has nothing to gain from this. He believes that the Planning Board should look at it again. Newington had twelve different designs that the Planning Board and Selectman approved. He strongly suggests another work session on this.

Plummer stated they did have a tractor trailer roll over at Exit 6W.

Citizens Forum Closed

Torr suggested addressing item 4A first.

4. NEW BUSINESS

- A. Consideration and possible vote on an amendment (insert lot lines) to a previously approved (July 10, 2007) open space subdivision of land (without lot lines) for Picnic Rivers Partners of Dover LLC, Assessor's Map 16, Lot 20, zoned R-12, located on Back River Road. *(P07-32A) (21 lots)

Attorney Jim Schulte represents the applicant. He stated that the project was approved in July 2007 for 21 housing units. A waiver was granted at that time to allow the existing residence to continue to be where it is. The proposal is being brought before the Board because of financing consideration for the people that will be buying these homes. The project was approved without any lot lines and in order to function it would have



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been set up as a condominium where you have 21 detached single family residences. Around each one, there would be a limited common area reserved for the use of the homeowner. Since it was a condominium and given the residential housing finance issues since last November, the new rules from Freddie Mac and Fannie Mae state that banks will not lend to an individual homeowner until the condominium association has been turned over to the association and taken away from the developer. That doesn't occur until half of the units have been sold. Developers can get financing to build and develop a condominium project but the people who want to buy those units can not. If this was set up as individual lots you have a single family residence on your own land where you can get standard traditional financing. To make it easier for the individuals who want to buy the homes, we need to convert and establish lot lines. Instead of having a condo association, we'll have a homeowner's association. As part of the original approval there was a condition that stated that an easement be granted for the trail. That easement has been granted. The lots will all be subject to that easement.

Trefethen asked for clarification regarding the areas of the project that are the common open areas.

Doug LaRosa stated that they are the open space areas.

Trefethen asked if they could be differentiated separately.

Bird stated that he would check with the Assessor's office regarding the Open Space designation.

Motion: Andolina made the motion to accept, Merullo seconded. Vote: U/A

Public Hearing Opened

Public Hearing Closed

Torr read a letter from Rita Arnold and Karen Mairs. (In file)

Atty. Schulte stated that the easement has been a subject of discussion with the principal of Picnic Rock and Planning Director Chris Parker. They are in negotiations with the abutters and they will negotiate in good faith. If they are successful, they will need to come back for a Minor Lot Line Adjustment.

Bird stated that he agrees with Atty Schulte's representation. The Planning Department asked the applicant to negotiate in good faith with the abutters and he indicated the he would. They didn't include it as a condition of approval.

Gasses stated that since it isn't a right of way it should be negotiated between the landowners and leave the Board out of it.

Bird stated that Atty. Schulte mentioned the easement along the river. The easement hasn't been granted and it wasn't required to be granted before the plan was signed. Looking at the conditions from 2007, it doesn't set a timeframe for that easement.

Gasses stated that she feels a stipulation should be that the easement is in place and registered at the Registry of Deeds before any land transfers take place.



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Atty Schulte stated that they agree to that and would like to include the Open Space parcel because it will end up being deeded to the Association.

Bird read the conditions of approval:

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 original Planning Board conditions of approval from July 10, 2007 remain in place, as applicable.
4. The applicant shall revise the plat by adding minimum building setback lines to each lot on sheets S-2 and S-3.
5. The applicant shall revise the plat by adding the 30-foot exterior buffer onto sheets S-2 and S-3.

Conditions to Be Met by the Applicant Prior to Any Blasting:

6. The applicant shall hold a neighborhood meeting to review the blasting plan, with representatives of the Fire Department and the blasting company in attendance, prior to any additional on-site blasting.

Other Conditions:

7. The applicant shall comply with condition #10 from the July 10, 2007 Planning Board approval prior to the sale or transfer of lots numbers 4, 5 or the open space lot #20-OS.

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

2. APPROVAL OF MINUTES OF JUNE 9, 2009

Motion: Trefethen made the motion to approve the minutes, Andolina seconded. Vote: U/A

3. OLD BUSINESS

- a. Discussion and possible vote on zoning amendments to the land use ordinances and regulations.

FORM BASED CODE:

Bird stated that the consultants, Jeff Taylor and Steve Whitman, are present to give an update on the Form Based Code. They will be giving a power point presentation tonight.

Jeff Taylor stated that they have been working with Director Parker. He proceeded with the presentation. (In file)

Steve Whitman proceeded to go over the district tables. (In file)

Taylor stated that it is designed to give flexibility to a developer by giving them a greater array of things they could do in a particular area. It's also designed to give greater flexibility to the Planning Board.

Trefethen asked regarding the non-residential sub districts, in the ground floor standards section, is it on new construction only?

Taylor stated any existing residential structures that have activity on the ground floor can keep that activity. If they're expanded, they have to come to the Planning Board and request more parking.

Plummer asked if the 50% renovation applied at that point.



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Taylor stated if they wanted to fix something up it would have to be code compliant.

Bird stated you would have to fall back on the existing zoning in the Non-conforming use section, non-conforming structure section.

Taylor stated they have attempted to integrate it with the existing ordinance. As you read through it, there aren't a lot of references to how projects are reviewed.

Plummer stated that it states in residential "sidewalks must be asphalt".

Whitman stated that asphalt is what was specified by Director Parker.

Taylor stated that asphalt is a minimum standard.

Merullo asked about including the attic within the building heights.

Taylor stated that there can be residential activity within the attic.

Whitman stated that it was done knowing that many 3 and 4 story structures do have a pitched roof on top. In the Form Based Code, they tend to use a measurement "to the eaves". They tried to follow that policy knowing that there may be some additional space.

Discussion ensued regarding how to measure a "story".

Torr stated that it is a great idea that gives the developer and the City flexibility.

Bird stated that one of the criticisms of zoning is that it doesn't allow what you want. This is an opportunity to change the zoning so that the zoning allows and encourages the type of building everyone wants in their area.

Bird asked Taylor how you measure frontage build out from a planning enforcement standpoint.

Taylor stated if you have a 50 ft wide parcel and the build out rate is 80%, you're going to want 40 ft of that frontage to be building.

Bird stated build out means primary structure.

ZONING AMENDMENTS:

Bird stated that the plan is to go over the amendments briefly. The Board should make a decision on whether or not to have a work session which will allow you to fine tune them or just post the amendments. He proceeded to go through the amendments. (In file)

Merullo asked if the R-20 district was staying as is or is it being moved to RMSU. The permitted uses are different.



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Bird stated that we're leaving an R-20 district but we're adding a RMSU district.

Merullo had an objection about drive-in theatres within the R-40 zone.

Discussion ensued regarding drive-in theatres.

Bird proceeded to go over the Multi-Family districts amendments.

Trefethen stated the Board has gone through the amendments 2-3 times. The Board should be able to review the amendments on their own time and have a workshop on them prior to the July Planning Board meeting.

Merullo stated the Staff did a wonderful job putting this together. She would be curious to hear the public comments on this.

A workshop was scheduled for July 28, 2009 at 6:00 pm.

Motion: Plummer made the motion to post the amendments, Gasses seconded. Vote: U/A

4. STAFF COMMENTS

Bird stated that Director Parker would like to organize a workshop on Planning Board Training on July 14 and combine it with a drive around of the City.

5. COMMITTEE REPORTS

6. ADJOURN

Motion: Merullo made the motion to adjourn at 9:23 pm, Trefethen seconded. Vote: U/A