



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, August 25, 2009
Meeting Time: 7:00 pm

REGULAR MEMBERS PRESENT: Ron Cole, Frank Torr, Doug Steele, Dean Trefethen, Linda Merullo, Marcia Gasses

REGULAR MEMBERS ABSENT: John Swartzendruber, Don Andolina, Perry Plummer

ALTERNATE MEMBERS PRESENT: Jan Nedelka

STAFF PRESENT: Steve Bird, City Planner, Jennifer Bretz, Recording Secretary

Nedelka sat in for Swartzendruber.

Meeting called to order at 7:00 pm.

1. CITIZENS' FORUM

Marilyn Follansbee, 25 Dover Point Rd, stated that she would like to congratulate the Board for all of the work they've done on the rezoning. She is concerned about the house for sale at 37 Dover Point Rd. 37 Dover Point Rd is residential. She hopes that the realtor and buyer are aware of what is allowed in a residential zone. A business, an office building and commercial use should not be considered and if that is how it is advertised, which it is, she feels that it is wrong. If a variance is given to a buyer for any purpose other than residential, it would have an effect on the other side of the road. That brings about spot zoning which at one time it was said that they didn't want on Dover Point Road. Realtors should have to make their advertisements reflect the zoning. She would like to see the truth in all advertisements.

Richard Proulx, VP of Pruven Aggregates Inc, stated that he wanted to give the Board an update on their progress. Since the last meeting he has put trailers on both sides of the garage that is located in Madbury to shield the other side of the street from the wind. He has been told that it is helping. He is also increasing the height of the berms with wood chips that go from the planted area near the big garage up the hill. He's a third of the way up. He hopes to be complete on that project in the next three weeks.

Cole asked Proulx if he had been in contact with Bruce Woodruff.

Proulx stated that he's been e-mailing Woodruff every step of the way. He stated that the walk around that they took in July went very well.

Merullo stated that Proulx had done a very nice job.

2. APPROVAL OF MINUTES OF AUGUST 11, 2009

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

3. OLD 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)

Note: This item was tabled at the meeting of June 9, 2009

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



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Bird stated that the Board tabled the item in June primarily to give PCA and the City time to work on getting signs put up. Previous to that it went to the TAC and they approved the placement of those signs. Director Steele has an update on the status of the sign work.

Steele stated that Staff has been in contact with Headmaster Brian Bell of PCA. They have come up with 3-4 sign locations as well as the wording that will be on the sign. They would like to confirm with Sgt. Marn Speidel of the police department. He is currently on vacation and will be back in office next week. They will get confirmation on the wording and location. The signs will be ordered next week and they should be installed no later than three weeks from now.

Cole asked if there would be signage in the bus too.

Bird stated that they do have signs in each bus. It was part of the exhibits that Mr. Bell provided at the June meeting.

Trefethen stated that with Steele's timetable, the signs won't be installed until after school starts.

Steele stated that he was correct. If they can expedite the signs being made they'll get them sooner but he's anticipating that it will probably be a couple of weeks. It's not the installation of the signs that is time consuming; it's the construction of the signs that is.

Merullo stated that at the June 9 meeting, she noted that PCA was supposed to put signs up within the buses. Will those be up prior to school starting?

Steele stated he assumes so but his department is only involved with the street signs.

Bird stated that all of the other measures PCA discussed with the Board should be implemented by now. Placing the signs on the street was the holdup. The website, the sending out letters to all of the athletic directors of the schools they play, that all has taken place already.

Cole asked if the item needed to be tabled again.

Bird stated the Planning Board just wanted to make sure that PCA was complying with their Conditions of Approval and he believes that everything has been done. PCA is taking the appropriate steps. They've agreed to pay for the signs and the installation.

4. NEW BUSINESS

- A. Public Hearing, per Chapter 155-24, for consideration and acceptance of a request for a one-year time extension for completion of required improvements for the Cornerstone Crossing Subdivision (Cornerstone Drive & Meeting House Way), off of County Farm Cross Road, by Tay Tav Partnership, LLC, Assessor's Map B, Lots 18, 26-34, 39-47, zoned R-40. Original subdivision plan signed by Planning Board Chair on July 28, 2005. *(P05-13) (18 lots)



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Bird stated that the City Subdivision Regulations give a project four years to be completed from the date that it's signed. This project has taken longer. The regulations do provide for a one year extension provided that the criteria are met. There is a letter from Bradley Benson (in file) going over the four criteria. There is also an estimate letter from the City Engineer listing the outstanding items that need to be completed.

John Voter, Bradley Benson's General Manager, stated that they have some open issues on the subdivision that they are trying to complete. The first major issue is the street lighting. PSNH has approved the posts that they've put in. They will be up and running by September 4. The second item is the landscape requirements per the approved plan of 2005. They will have those completed by the end of September. The third item is the As-Built plan for the septic and utilities which they are hoping to have completed within the next 60 days. The fourth item is the final coat of paving which they are hoping to do this fall, spring at the latest. There are currently seven sites completed and they have eleven more to complete. Benson has become the managing partner of TayTav Development. It was formerly Jim Taylor. They've just taken the project over within the last 30 days and would like to get it completed.

Trefethen asked if the remaining 11 units aren't completed before the final paving, all of the driveway cuts and utilities are completed, there wouldn't be any disruption to the road.

Voter stated that he is correct. The driveway cuts and utility stubs are currently in.

Trefethen stated the only potential problem would be possible damage to the final pavement by construction equipment. If that were to occur would they repair it?

Voter stated that they would repair it.

Public Hearing Open

Keith Madden, 190 County Farm Cross Rd, abuts the project on the west side. He stated that he was unaware that Mr. Taylor wasn't involved with the project anymore. The last he had spoken to him regarding the project was in September but they haven't had correspondence since regarding the landscape buffer.

Public Hearing Closed

Voter stated that Jim Taylor is still a partner in the Tay Tav Partnership. There are currently three partners involved. Bradley Benson has just taken over as managing partner. They still communicate with Jim Taylor on regular basis. His suggestion is if there are any open issues, Bradley Benson stated he would address any concerns within 5-7 days. There are a lot of things that they are unaware of.

Bird stated that when this project was approved, there was an agreement to install some landscaping to protect the view of Mr. Madden's property. It is one of the items that are still outstanding. The only issue is to make sure what gets installed is what was originally agreed to. We don't want this to come up for another extension and not have this issue addressed.



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Madden stated that back when the project was first approved for Jim Taylor there were a number of conditions. He asked if there were any proposed changes to the conditions.

Bird stated his recommendation to the Board is going to be that all of the conditions from the previous approval will carry forward with this extension. If it was on the previous plan, it's still a requirement.

Merullo asked Bird if there any kind of timeframe that they can add into the document to make them complete the buffer prior to completing the 11 homes?

Bird stated if Board grants the extension, they will have one year to complete all of the items. If you wanted to put some other deadline for part of it, that would have to be part of the motion.

Cole stated he's not privy to what is going to be transpiring within the 3-4 different issues. He's not comfortable putting a time stipulation on it.

Voter stated the biggest variable is the final coat of pavement. Benson has told him that they will get the plantings done, in the buffer zone, by the end of September. The only item that will be open, until spring, is the pavement.

Merullo stated it sounds like Mr. Madden has been waiting for a while for the landscaping buffer. Perhaps it could be moved to the front.

Voter stated they agree with that and that's why their goal is to get it done by the end of September.

Trefethen asked Bird about the letter of credit on the engineer's list. The twelve trees, is it for street trees or the landscaping buffer?

Bird stated he's not sure if it's street trees or the trees for Mr. Madden. Either way, the City is holding a considerable amount of money to make sure that it gets done.

Bird read staff comments:

The Planning Department recommends approval of the one-year time extension with the following conditions:

1. The original Planning Board conditions of approval from April 12, 2005 remain in place, as applicable.
2. The extension expires on July 28, 2010.

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

- B. Consideration and acceptance of a major open space subdivision of land for John and Caroline McGlone, Assessor's Map I, Lot 124, zoned R-40, located at 25 Piscataqua Road. *(P09-16) (5 lots)

Trefethen recused himself.



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Jon Berry, Berry Surveying and Engineering stated he represents the applicants. Based on current zoning, the first step of the open space subdivision is to complete a Yield Plan to showing the possible development on the property.

Berry stated that they could potentially get eight lots but the McGlone's would like to have a five lot subdivision on a private road. They have completed the subdivision plan showing the Open Space area, the proposed lots, existing buffers, proposed buffers and wetlands. Not only is there an open space area but three of the proposed lots are all over an acre in size. The lot with the existing house on it will be 36,000 sq. ft. and the fifth lot will have an area of 37,000 sq. ft. They are requesting a waiver to have a gravel road which falls under Article 155.48-4, private roads. The basis of their request is located in Article 155-20.b. He proceeded to go over the site plan.

One of the items that came up at TRC was the streetlights. Unfortunately, when they were out doing their initial work they didn't notice that there is a streetlight almost directly across from the end of the proposed road, on the opposite side of Piscataqua Rd. There is another streetlight at the end of Hidden Valley Road and there is another light two poles up from the existing streetlight. The City Engineer felt that the streetlight on the opposite side of the street would illuminate the intersection. Berry stated that they don't agree with a suggestion that the City Engineer made regarding the drainage. He would like them to put a culvert directly across from the cul-de-sac. They are looking to slow things down and he's afraid it would make more of a disturbance area going up to the wetland to handle more water going directly across. They are also asking for a waiver to allow the existing house to remain in the 100 ft front buffer. They are proposing to change the location of the entrance to the driveway so that it comes off of the new proposed road.

Merullo asked about the width of the proposed driveway.

Berry stated they are proposing 20 ft wide with 3 ft shoulder on each side to equal a 26 ft. wide driveway.

Merullo asked about the natural pond in the open space.

Berry stated that before the water reaches the pond, there will be a 75 ft. naturally vegetative filter strip. Any water coming out of the drainage system will be filtered over 75 ft of naturally vegetative surface before it begins to reach the pond.

Gasses asked if Berry could tell them what would be considered a safe speed limit. Wondering what the leeway was because there is a speed issue on that road. It's a heavily patrolled area and you would be very hard pressed to find someone going 30 mph on Piscataqua Road. She's just wondering if there should be a streetlight on both sides of the road.

Berry stated that the City Engineer stated that one street light was all right.

Bird stated at TRC the City Engineer asked for a streetlight, but later realized there was a streetlight directly across the street but when he went out to look.



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Bird pointed out to the Board that they've been provided with a sight distance analysis. He asked Berry what state permits they needed for this project.

Berry stated that state permits required for this project is going to be State DES Subdivision approval and when construction begins, the EPA notification will have to take place.

Bird stated one of the things brought up at TRC was street signage.

Berry stated that on page 5 of their plan, the road signage would be indicated with the name Garden Ridge Drive.

Bird stated these lots will be part of the homeowners association which will make them responsible for all maintenance of the road, drainage facilities and streetlights.

Berry stated the proposal is the Open Space will be owned by the homeowners association. Common ownership will be held with the homeowners association.

Motion: Merullo made the motion to accept the application, Torr seconded. Vote; U/A

Public Hearing Open

David Labrie, original developer of Hidden Valley Drive, stated that he had some questions. The pond on the property was built without wetlands permits. It has been enlarged three times over the past four years. He's the original builder. He was told that it would be permitted but it wasn't. The common area in the back of the pond is not open space, it's a hole. He thought Open Space development was supposed to leave high and dry land. There area several areas at the back of the property that he used to own. He had wetlands work that had to be done there. He doesn't understand how it's being perked. There were several areas of wetland; it doesn't dry out within 5 years. The original house does not have secondary septic system which is required. There have been several accidents as far as the sight distance from Hidden Valley and Piscataqua. He sold the land in 2002. It's all wetlands and swamp.

Public Hearing suspended.

Bird stated that there is a requirement that at least 50% of open space is upland and the plan meets the requirement. The recommendation is for the Board to take a site walk and to talk about the issues that have come up tonight.

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

A site walk was scheduled for September 8 at 5:30. They will be meeting at 25 Piscataqua Road.

5. STAFF COMMENTS

Bird stated that there is a handout from the Office of Energy and Planning. He found a quick summary of some legislation that passed, in the 2009 session that relates to Planning issues.

He reminded the Board about the gravel pit meeting for gravel pit owners and abutters to discuss the future of the gravel pits.



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Trefethen stated that it would be helpful to have an organized field trip to the gravel pits.

Bird stated he will talk to Woodruff and schedule a date.

6. COMMITTEE REPORTS

Gasses stated that the Community Trail sub committee has met twice. They walked the trail from the train station through the Silver St. tunnel. They also came up with three work groups; Management Options, a Work Development Plan and a Grand Opening Public Relations committee. They did meet several people who were walking the trail.

7. ADJOURN

Motion: Trefethen made the motion to adjourn at 8:08 pm, Merullo seconded. Vote: U/A