



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, September 22, 2009
Meeting Time: 7:00 pm

REGULAR MEMBERS PRESENT: Ron Cole, Frank Torr, Marcia Gasses, Doug Steele, Perry Plummer, Dean Trefethen, Don Andolina, John Swartzendruber

REGULAR MEMBERS ABSENT: Linda Merullo

ALTERNATE MEMBERS PRESENT: Jan Nedelka

STAFF PRESENT: Christopher Parker, Planning Director, Jennifer Bretz, Recording Secretary

Meeting called to order at 7:02 pm

1. CITIZENS' FORUM -NONE

2. APPROVAL OF MINUTES OF AUGUST 25, 2009 AND WORKSHOP OF SEPTEMBER 8, 2009

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

3. OLD BUSINESS

- A. Consideration and possible vote on 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.

Steele recused himself.

John Berry, Berry Surveying and Engineering stated that a site walk was done on September 8, 2009.

Parker asked Berry to go over the drainage that he and the City Engineer had worked on.

Berry stated that they changed page 5, the plan in profile page. They've been working with the City Engineer to work out a drainage plan that is more suited to his preferences. Originally they were bringing the drainage all the way around the cul-de-sac. The City Engineer requested that they look at putting a culvert across the neck of the cul-de-sac. They have done that and provided him with their calculations. They had anticipated a detention pond on the bottom part of the proposed road. The City Engineer asked them if they would re-evaluate the detention pond. At this time the pond has been minimized from what was shown on the original plan and with the culvert going across the neck of the cul-de-sac with the water exiting the open space via a natural filter strip.

Motion: Andolina made the motion to remove from the table, Gasses seconded. Vote: U/A

Berry stated that is the only change that was made to the plan set. They located the utility pole, with the streetlight on it, which is located across the street from the end of the proposed road.

Public Hearing Open

Public Hearing Closed



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Parker read staff comments:

Conditions to Be Met Prior to Signing of Plats:

1. Add the owners' signature to the plan.
2. The approval includes the granting of the requested waivers for the reasons outlined in the applicant's letter and those reasons stated above.
3. The applicant shall revise the plat by adding the sign location for the street name and private street signs.
4. The applicant shall revise the plat by adding street trees as required by Chapter 155-36-E.
5. 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.
6. The applicant shall submit proposed Homeowner's Association documents, addressing private road and drainage maintenance (including clearing of vegetation for sight distance), road status remaining private, open space preservation and maintenance, 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.
7. The applicant shall provide the Planning Department with proof that the Environmental Protection Agency Notice of Intent Permit has been filed.
8. The applicant shall revise the plan to reflect changes in the detention pond located at the cul-de-sac.

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

9. 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.

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

- B. Consideration and possible vote on a major subdivision of land for Dover Point Properties Development, LLC, Assessor's Map L, Lot 89G, Zones R-20, Located at 202 Dover Point Road. (P07-39) (14 Lots)

Withdrawn

- C. Consideration and possible vote on an amendment to the conditions of approval from the Planning Board meeting of March 13, 2007 for a site review of land for The Village at Thornwood Commons, Assessor's Map M, Lot 4, zoned ETP located on Middle Road. (P06-55)

John O'Neill, Changing Places, stated that he is requesting an alteration to the conditions of approval which allowed for no Certificate of Occupancy until the dam and pond work was completed. There are currently eight homes under construction. He is requesting four CO's before the dam work is completed. He anticipates the work being completed within the next 4-6 weeks.

Parker stated that the applicant received their approvals 2 years ago. The permitting process has taken a little longer than anticipated as well as the wet summer that we had. They do have some buildings that are ready. In discussions with the City Engineer and the Environmental Projects Manager, the obstacles that the developer has had do make sense. He is not opposed and does support the amendment.

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



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4. NEW BUSINESS

- A. Consideration and acceptance of a conditional use permit for David and Mary Lancaster, Assessor's Map L, Lot 58L, zoned R-20. *(P09-24) (To construct an addition to existing house within the conservation districts 100' buffer zone)

Kevin McEneaney, McEneaney Surveying and Engineering, stated that the applicant is applying for a Conditional Use Permit to allow an addition to the house as well as an increase in the size of the deck. When the lot was created, the houses had different setbacks than they do today. Currently, the lot is nonconforming both in size and frontage. It's 100 ft. along the street line and 102 ft deep. The setbacks are nonconforming as well. Currently the R-20 requires a 35 ft setback and this house is at 24.7 ft. At the time of construction, it was conforming. Every house in that neighborhood is nonconforming with regard to setbacks and size. The Conditional Use Permit is needed because they are within the 100 ft conservation district and the tidal zone area. The existing house has three bedrooms. He proceeded to go over the application.

Gasses asked if the stairs goes into the 50 ft from the river.

McEneaney stated that on the current plan, it doesn't show the stairs. They will be moved over to the side though because they can't encroach any further due to the Shoreline Protection Act.

Gasses stated that she had one request. In addition to having the plan, she would like a timeline for when the actual plantings take place.

McEneaney stated that the plan it to try to get them planted fairly quick since they are still in line with the planting season.

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

Public Hearing Open
Public Hearing Closed

Parker read staff comments:

1. The applicant shall obtain a NHDES Wetlands Bureau Permit and provide a copy to the Planning Department.
2. The applicant shall obtain a NHDES Shoreland Program Permit and provide a copy to the Planning Department.
3. The applicant shall prepare a landscaping plan for the property that is consistent with the guidance in the UNH Cooperative Extension publication entitled, "Landscaping at the Water's Edge".
4. Plantings shall be in place prior to issuance of C.O.
5. The applicant shall relocate the stairs off the screen room so they do not encroach into the 50 ft. shoreline area.

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



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- B. Consideration, acceptance and possible vote on a site plan of land and conditional use permit for Paolini Brothers Development, Assessor's map K, Lot 20, zoned B-3, located at 54 Dover Point Road. * (P08-15) (12 units & office building)

Attorney Jim Schulte stated this project has received several approvals. Through some confusion, the last approval expired 60 days ago. There were a number of things that had to be done to get the plans ready and permits obtained. The primary delay was the state had a drainage structure that runs from the highway diagonally across the property to the gully in the back right-hand corner but there was not an easement. Their condition for giving them a new driveway permit was for the applicant to give them an easement which took some time. They have their easement and have approved the driveway permit.

Parker stated the plans are in the Planning office ready for the Chair to sign.

Motion: Trefethen made the motion for the extension to run from June 8, 2009 to September 23, 2009, Andolina seconded. Vote: U/A.

- C. Discussion of proposed land use regulations.

Parker stated he would like update the Board. City Council will be holding a public hearing on October 14, 2009 on the zoning proposals. He urges the Board to speak in support of the proposals. Additionally, in formatting and formulating the ordinance, taking it from the Planning Board to the Council, he noticed that Amendment 26 needed an editorial change. Parker and Trefethen noticed that the setbacks needed to be clarified regarding new construction and the build to line.

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

Parker stated that there are going to be some site review and subdivision regulations. Due to the Council elections the Planning Board meeting will be meeting on the October 20, 2009. The second Tuesday will be a workshop. That night Parker and Steve Bird will present the subdivision and site regulations. They will be on the agenda for the 20th meeting. The public hearing will be in November.

5. STAFF COMMENTS

6. COMMITTEE REPORTS

Gasses stated that the Open Lands Committee and the Conservation Commission have been working on a grant application with Steve Bird and Anna Boudreau. It is for a P.R.E.P. grant. The grant money would allow them to do an audit of all the Conservation Lands in Dover that have any time of permanent protection. They wanted to hire someone to come in and assist them with doing a complete audit as well as the GIS information for it. She's looking for letter of support from the Planning Board.

Motion: Torr made the motion to support the application for the grant, Andolina seconded. Vote: U/A.

7. ADJOURN

Motion: Trefethen made the motion to adjourn at 7:37 pm, Swartzendruber seconded. Vote: U/A