



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, October 20, 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, Linda Merullo

REGULAR MEMBERS ABSENT: John Swartzendruber

ALTERNATE MEMBERS PRESENT: Jan Nedelka, Lee Skinner

STAFF PRESENT: Christopher Parker; Planning Director, Jean Glidden; Recording Secretary

Meeting called to order at 7:00 pm

Jan Nedelka sat in for John Swartzendruber

1. CITIZENS' FORUM –NONE

2. APPROVAL OF MINUTES OF SEPTEMBER 22, 2009 AND WORKSHOP OF OCTOBER 13, 2009

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

3. OLD BUSINESS - NONE

4. NEW BUSINESS

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

(Public is encouraged to bring forth any land use suggestions that they may have)

Public hearing open

Joyce Elkouardi stated that she is here on behalf of the Dover Arts Commission. She is the Chairperson for the commission and explained that they are an advisory board to the City Council that works to enhance awareness of and appreciation for the Arts through increased citizen dialogue and public participation. We are tasked with developing and promoting programs, forums and exhibits that highlight the artistic talent within the City of Dover. Art makes our City more attractive and it has the potential to be a tremendous economic driver for our community. She read some facts courtesy from a recent study done by American for the Arts. When the community attracts tourists it reaps greater economic rewards. As the Planning Board continues to develop its form based code and updates the master plans, we ask that you keep the arts and the creative economic development opportunities in mind. The Arts Commission is eager to work with you in any capacity that will help create opportunities for the Arts to thrive in our community.

Public hearing closed

B. Consideration and acceptance of a minor subdivision of land for Rochester Lot 5, LLC, Assessor's Map I, Lot 83, zoned R-12, located on Spruce Lane & Garrison Road. *(P09-25) (2 lots)

Parker explained to the Board that the City Council chose to table the zoning amendments until December 9, 2009. That tabling will affect all four items that will be heard tonight. He stated that he will read the



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items on a case by case basis. In meeting with the Engineers for each of these projects we did advise them of the proposed changes. He will read the items in conflict and then ask the applicant for the record if they would like to proceed. Our recommendation to all four applicants is to proceed. If approved the applicant has 90 days to meet conditions of approval. One of the conditions of approval for each of the project is before the plat can be signed the council needs to act on the zoning amendments. We can not have something approved that does not meet zoning if for some reason the Council does not ratify the amendments.

Parker explained that one of the amendments to this case is the R-12 front setback is no longer 30 feet, it would be the average build to line; this project would be 24.5 feet. The rear setback was 15 feet; it is proposed to be 30 feet. The wetlands buffer can no longer be more than 40% of the upland required area. The potential issue is one of the changes to the wetland regulations stipulated that roadside ditch no longer needs a buffer. This project has a roadside ditch and would need a conditional use permit should the wetland regulations not be ratified by the Council. He asked if the applicant would like to proceed.

Robert Stowell, Trittech Engineering agreed to proceed. He stated that this is a project that was previously approved by the Planning Board, but the owner at that time never met the conditions of approval. The new owner is prepared to meet the conditions of approval assuming that the Council does act on the amendments. If the Council was not to ratify the recommendations they would have to come back before the Board. The applicant understands that the plan can not be signed until Council acts.

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

Public Hearing Open - Public Hearing Closed

Parker read staff comments: (memo in file)

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. Add the surveyor's stamp and signature to the plat.
4. The demolished house and accessory building shall be removed and a demolition permit obtained.
5. The applicant shall revise the plat to correct note #7.
6. The applicant shall update the plan number in the title block.
7. The City Council shall act on the Zoning Amendments.

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.
9. Each new lot is subject to the sewer and water investment fee in place at the time of building permit.
10. The applicant shall revise the plat to locate the proposed house and driveway on Map I, Lot 83-1.

Trefethen commented on the build to line being an average, as there has been discussion related to this. If you do the average of this neighborhood area, they arrived to 24.5 feet for these three lots, making it the average. If you do the math and add more houses it doesn't change the average. Once you have established



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it for a given neighborhood, the average will not change, it is not a moving target it is very precise. He added that the actual front property line is a number of feet from the pavement edge, so the setback would be more than what it sounds like.

Gasses said she feels that people are concerned with if you were to move that radius. Whether it's dramatic or not will depend on a wide variation in a particular neighborhood.

Motion: Trefethen made the motion to approve with staff recommendations. Andolina seconded. Vote: U/A

C. Consideration and acceptance of a minor subdivision of land for Kenneth and Holly Grossman, Assessor's Map 16, Lot 32, zoned R-12, located on Mill Street. *(P09-26) (1 lot)

Parker explained that this project would be in the UMUD district. It received a variance for the duplex use, which would not be allowed in the UMUD or the R-12 district. Additionally, UMUD has zero setbacks the R-12 would have the average setback. He asked if the applicant would like to proceed.

Bob Stowell, Trittech Engineering representing the Grossman's proceeded to explain the application submitted. Grossmans purchased the property and the existing four unit structure contains two buildings with two units in each building and is connected by a small single-story structure. The proposal is to subdivide the existing lot into two lots and to separate the four unit building so that each two unit building will be on its own lot.

Merullo questioned the parking spaces and confirmed with Stowell that each lot will contain a duplex with four parking spaces.

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

Public Hearing Open – Public Hearing Closed

Parker read staff comments: (memo in file)

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. Add the surveyor's stamp and signature to the plat.
4. The applicant shall add the plan number in the title block.
5. The applicant shall add the variance information to the plat.
6. The City Council shall act on Zoning Amendments.

Motion: Torr made the motion to approve with staff recommendations. Andolina seconded. Vote: U/A

D. Consideration and acceptance of a minor lot line adjustment of land for Gary & Carol Allen, Assessor's Map E, Lot 48B & 49A, zoned R-40, located at 163 Tolend Road. *(P09-27)



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Parker explained that this is in the R-40 district and the front setback has been reduced from 50 ft to 40 ft and the rear setback has been increased from 15 ft to 30 ft. He asked if the applicant would like to proceed.

Jon Berry, Berry Surveying and Engineering proceeded to discuss the application as submitted. He stated that the applicants would like to adjust the lot lines between the two lots. Lot 49A currently contains 3.3 acres and will be revised to contain 17.94 acres. Lot 48B currently contains 13.36 acres and will be revised to contain 5.01 acres. Access to lot 49A would be over an easement off from Pacific Landing up off from Upper Factory Road. This is an existing 20 ft wide easement granted to Mr. Allen and is recorded at the registry of deeds so it does have legitimate access to the property for any future development.

Motion: Trefethen made the motion to accept the application. Gasses seconded. Vote: U/A.

Public Hearing Open – Public Hearing Closed

Parker read staff comments: (memo in file)

Conditions to Be Met Prior to Signing of Plats:

1. Add the owners' signature to the plan.
2. The applicant shall revise the plat by correcting the Planning Board file number in the title block.
3. The applicant shall revise the plat by adding a note that there can be no further subdivision of the lots and reference the ZBA case #Z99-13.
4. Correct spelling of Cochecho River to include 2 "h"s.
5. The City Council shall act on Zoning Amendments.
6. Provide the Planning Department with a digital version of the plat.

Motion: Plummer made the motion to approve with staff recommendations. Steele seconded. Vote: U/A.

- E. Consideration and acceptance of a minor subdivision of land for Gina Way Development, LLC, Assessor's Map I, Lot 3A, zoned RM-SU, located on Leathers Lane. *(P09-28) (1 lot)

Parker explained that this in the RM-12, being proposed RM-SU, front setback changes from 35 feet to 50 feet, frontage goes from 125 feet to 100 feet. The 20% slope regulations do not specify an area in the proposed ordinance change it specifies it has to be 2,000 square feet or larger and also the density currently is 15,000 square feet per unit where the proposal is 10,000 square feet per unit. It does enough frontage, they would just have to adjust the proposed line should the Council not approve the zoning amendments. Does the applicant wish to proceed?

Jon Berry, Berry Surveying and Engineering proceeded with the application. This lot was know as Mast Rd Extension but has been changed to Leathers Lane. It has 1.17 acres, and they are proposing to subdivide it in to two lots. Topography and test pits have been done as shown on page two submitted with the application. Existing house has an existing leach field and it appears to be in good working condition, an existing well is located on the property but could not find the physical location of the well. The proposal is to have both lots tie in to city water. This lot was created via a lot line revision approved by



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the Planning Board back in 2000 and at that time it showed the lot having 250 feet frontage. He said he went out to the property and the pipe at the northwesterly corner located the top of the pipe and we located the base of the pipe where it went in to the ground and it matches the McEneaney plan which puts the frontage at 250.01, my the client wanted it to be made clear that he did have 250 feet of frontage so he could pursue his subdivision.

Cole confirmed with Berry that a single family dwelling would be located on the lot.

Trefethen confirmed with Berry that the proposed regulation would be 100 feet, otherwise would be 125 feet and would have to change the lot line.

Merullo questioned where the driveway would be located and confirmed that a new driveway would be installed on lot 3B.

Gasses asked about lot 3B, no building envelope. If the 4000 sq ft leaching area is in the front of the lot are you going to dig into the slopes to build the home.

Berry said he does not know.

Parker said it does not exceed 2000 sq ft., when Steve and I looked at this we did not find a 2,000 sq ft or more of disturbance.

Merullo asked Parker if the plans could show a building location and driveways. A little more detail would be helpful.

Parker said we do require more detail on major subdivisions than minor subdivisions. If staff encounters a plan where a conditional use permit is required, we will ask for building location, but if it is just a single lot we do not. The City wants to encourage some flexibility on the side of the property owner.

Steele commented that he noticed on the conditions of approval that the new project would be subject to the water investment fee prior to building permit. The existing home would also be subject to the water investment fee. It doesn't have to be a condition of approval, just wants to make sure they are aware of it.

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

Public Hearing Open – Public Hearing Closed

Parker read staff comments: (memo in file)

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 revise the plat by correcting the plan number in the title block.
4. 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.



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5. The City Council shall act on Zoning Amendments.

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

6. Any new dwelling unit shall be assessed the school impact fee, the recreation impact fee, the police impact fee, and the fire impact fee, as calculated based on the type of dwelling proposed, at the time of building permit application.

7. The new lot is subject to the water investment fee in place at the time of building permit.

Motion: Trefethen made the motion to approve with staff recommendations. Andolina seconded. Vote: U/A.

5. STAFF COMMENTS

Parker stated that he had a few things to discuss. One being a letter has been submitted in regards from a resident on Middle Road. He also explained what was brought before the October 15, 2009 ZBA meeting, which was a use variance was granted for a duplex on Mill Street, a use variance was granted for a dog grooming operation on Durham Road at the Dover Veterinary Hospital and a use variance was granted to allow a drive through service at an eating and drinking establishment on Durham Road.

He reminded the Board about the joint workshop that will be held on November 4th with Council on the CIP. Planning Board meeting will be held on November 10th due to the Thanksgiving holiday. Should the Council not ratify the zoning amendments he recommended changing the December 8th meeting to December 15th that way all four applicants could come back at that time if needed. He invited the Board and the public to informational sessions regarding the proposed zoning amendments to be held on November 12th @ 7:00 pm and November 14th @ 9:00 am which will be held at the McConnell Center, third floor meeting room.

Cole asked if the letter that they received tonight had to be addressed at this meeting. Parker said that he did not believe so, as you and Director Steele are aware of the concern here, we believe the Planning Board acted accordingly and appropriately. The resident has been advised that this is a civil matter at this point.

6. COMMITTEE REPORTS

Merullo mentioned that Parker goes out of his way to set up a lot of extra meetings. She stated that she would have liked to have seen more participation at the Council meeting, but as far as site walks, workshops and meetings, we are volunteers and we should make our best effort to attend them.

Gasses stated that she attended the State of Estuaries conference that was held in Somersworth and that the City of Dover was well represented. Anna Boudreau, Bill McCann, Ann Reid, Chris Hunt and Al Lobdell also attended. It was a worth while conference. We have three rivers that empty into Great Bay and the health of that body of water is dependent upon what we do with our storm water.

Parker stated that the Willand Pond Committee met earlier tonight and they are going to be forming a non municipality based group. Their first meeting will be November 18th @ 6:00 pm at Strafford Farms Restaurant, look for more information on channel 22.

Discussion continued regarding Willand Pond. He explained the action letter received from DES letter in October 2007, stipulating two main goals. One was to remediate the extended water levels and water quality. He stated that in discussions with Dean Peschel, we looked back in the 50's and 60's and the water level that was present and Peschel found some great reports that showed a linkage between the pond elevation and the



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well operation at the site. Peschel has gone out to bid with the Council and it was awarded to look at the feasibility of reinstating the well that was at Willand Pond and that well could potentially lower the pond level to 1.82. It would be a significant increase. The first phase of the feasibility is November 10th the second phase in December 31st. That project will be progressing at a good rate. As far as the water quality side of this, he stated that he had an interview with DES and has applied for a grant on behalf of the City to do some storm water retro fitting for the boat launch location and the Indian Brook Plaza location. Dean and I are trying to work with Indian Brook folks to get them on board and looking at their operation maintenance plan for storm water management. We are looking to improve increased measures to clean the water. That grant would be available to us after February of 2010. We should know within a week if we are short listed to actually apply for the application and that is due December 4th.

Trefethen asked if we do decide to pump water and the 1.82 level versus 1.88 level. We could pick a height in between there.

Parker stated that is what Peschel will look at this ad-hoc committee for is to help him to determine that level. We have data that it was 1.82 at certain points. We have to work through the ad-hoc committee to make sure the residents understand. When we had a meeting in May or June, Jay Stevens on the Dover Utilities Commission said one of the reasons why we stopped drawing well water was because the people came and said that the pond water was too low. We want the public on record supporting that. The roadway has been clear for two months, he believes because Mr. Stackpole cleaned up the beaver dams and the water went down significantly.

Trefethen asked if we do pump will it do anything to alleviate the algae bloom.

Parker said in discussion with DES, the hope is that the chance of a bloom will decrease. Currently, as the pond level rises it touches debris on the shoreline. If we can lower the level of the pond and water, fewer nutrients will get into the pond. We have two options; one to pump north to Stackpole Pond and the second option is tying into the City's water distribution system. To do this we could construct a filtration plant on site or pipe the water to Lowell Avenue and the existing treatment plant.

7. ADJOURN

Motion: Andolina made the motion to adjourn at 8:00 pm. Merullo seconded. Vote: U/A