



PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, December 8, 2009**
Meeting Time: **7:00 pm**

MEMBERS PRESENT: Ronald Cole (Chair), Frank Torr (Vice Chair), Marcia Gasses, Doug Steele, John Swartzendruber, Linda Merullo, Dean Trefethen, Jan Nedelka (Alternate) and Lee Skinner (Alternate).

MEMBERS ABSENT: Don Andolina and Perry Plummer.

STAFF PRESENT: Christopher Parker (Planning Director), Steve Bird (Planner), Jean Glidden (Planning Office Manager) and Michelle Beauchamp (Recording Secretary).

OTHERS PRESENT: Kevin McEneaney, Attorney Malcolm McNeil, Gary Greene and Dave Landry.

*Jan Nedelka sat in for Perry Plummer and Lee Skinner sat in for Don Andolina.
The meeting was called to order at 7:05 pm*

1. CITIZENS' FORUM – NONE

2. APPROVAL OF MINUTES

C.Parker noted that page 5 of 7 on the October 20, 2009 minutes have been revised for typos and clarification.

Motion: F.Torr made the motion to accept the November 4, 2009 City Council & Planning Board Joint Workshop Session Minutes; November 10, 2009 Planning Board Workshop Minutes; November 10, 2009 Planning Board Regular Meeting Minutes; and the revised October 20, 2009 Planning Board Regular Meeting Minutes. L.Merullo seconded. Vote: Unanimous

3. OLD BUSINESS

A. Consideration and possible vote on an amendment to a previously approved (July 28, 2009) major subdivision of land for Lydia Scott 2002 Trust, Assessor's Map M, Lot 1, zoned R-40, located on Back Road. (P09-18A) (4 lots)

D. Trefethen noted that he recused himself from the case and July and will do so again tonight.

K.McEneaney, representing the Lydia Scott Trust, stated that he is requesting an amendment to the approved plan of July 28, 2009. He noted that the plan reflects a conservation easement, which is held by Old Forest LLC. K.McEneaney described how the amendment would be more advantageous the having the conservation easement. He noted that since the LLC holds the easement, it is possible it could be rescinded at any point and there would be no protection. He would like to remove the notation for that easement from the plan and the easement would become extinguished. Old Forest LLC currently has a purchase and sales agreement with the Scott's for M-1, M1-2, and M 1-3. Old Forest owns the abutting 13.78 acres parcel and has a purchase and sales agreement with the Nature Conservancy to purchase all three parcels. The Nature Conservancy will ensure that they remain undeveloped. The Dover Open Lands Committee and Dover Conservation Commission recently voted



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to approve some funding as part of this process and are in full support of this amendment. He noted that all other conditions would remain on the plan.

M.Gasses, a Dover Conservation Commission member, noted that the Commission voted to endorse the expenditure of \$250,000 (Conservation Fund) towards this project. The project will receive 1 million from the Nature Conservancy for public access and controlled by NH Fish & Game. She added that the project scored a 22 on the rating scale and is considered extremely high in conservation value.

The Chair felt that this amendment may need to go through the public hearing process. C.Parker noted that the easement is held by the person purchasing the lots and they would be the most effected. K.McEneaney informed the Board that Olde Forest holds the easement and if they purchase the lots, they could not have an easement on their own property.

L.Merullo made the motion to amend the previously approved subdivision by removing the conservation easement. F.Torr seconded. Vote: Unanimous

D. Trefethen joined the Board and J.Nedelka recused himself.

- B. Consideration and vote of a request for an extension of previously approved site plan and lot line adjustment for Wentworth Douglass Hospital, Assessor's Map 28, Lot 2,3,4,5,& Map 37, Lot 1, zoned Office, located at 789 Central Avenue. (P09-06) & (P09-07)

C.Parker noted that the Planning Director can allow a 90-day administrative extension, which was issued on August 20, 2009. He noted that there were additional issues with traffic lighting. He noted that the applicant requested to modify the conditions in August and the Planning Board voted to amend the conditions of the lot line adjustment, site review and conditional use permit, however, the notice sent to the applicant only addressed the lot line adjustment.

Attorney O'Neil, representing Wentworth Douglass Hospital, stated that he is attempting to work with the State and City in regards to an Alteration of Terrain Permit. He asked if the Board would authorize Mr. Parker to effectuate the amendments to the conditions of approval. He added that this was an over site that links the conditions relating to the road to the issuance of a building permit as opposed to the signing of the plan.

F.Torr questioned if 90days would be sufficient. Attorney O'Neil believes that the 90 days would be sufficient, however, if it is not they would be back before the Board.

D.Trefethen made the motion to grant the 90-day extension and to effectuate the conditions set forth in the letter to the Planning Department of November 20, 2009. Linda seconded. Vote: Unanimous

J.Nedelka rejoined the Board



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4. NEW BUSINESS

- A. Public Hearing to hear comments on the City's proposed Capital Improvements Program (CIP) FY 2011 – FY 2016. The CIP can be found on the City Web Site at www.dover.nh.gov under Online City Archives - Financial Information.

The Chair opened the public hearing. No public comment was made and the Chair closed the public hearing.

C.Parker recommended that the Board take a vote at next week's meeting whether to send this to the City Council. He added that if the Board had any comments, it could be discussed at the next meeting.

- B. Pursuant to NH RSA 674:4 & 675:6, a public hearing to consider the adoption of the Community Facilities and Utilities Chapter of the Dover Master Plan. Copies of the plan are available for public inspection in the Planning Department in City Hall and on the City website at www.dover.nh.gov under City Reports.

S.Bird noted that the Planning Board discussed this at the workshop a couple of weeks ago. He added that the Board received a memo in their packets that highlighted the changes made since the workshop. He noted that there were some minor editing and typos. He added that there were amendments to the Fire Protection and Emergency Management section to remove recommendations that were out of date. He stated that the hours for the Library were updated as well as the natural gas provider. He added that there were comments from Planning Board Members and informed the Board that the Master Plan Chapter is on the agenda for the December 15th meeting for a vote of adoption if the Board is prepared to do that at that time.

The Chair opened public hearing.

G.Greene stated that he supports the amendment and thanked the Committee members for their hard work. He noted that he has been concerned about Stormwater Management. He noted that the plan as written outlines what EPA is mandating and these mandates will require increased funding. He added that there is a possibility that there may be a stormwater fee for residents in the future. He noted that there is legislation that would allow for a stormwater utility. He suggested that the Dover Utility Commission have this responsibility.

G.Greene noted that there have been some changes to the Northend Water Tower which is listed on page 53.

M.Gasses noted that as a municipality, we will need to include and plan more as a community versus individual departments. She noted that the stormwater management all comes out of the same wallet and does not believe it is good practice to be broken down by departments, instead we should be pooling everyone together when there are multiple interests and fix it the first time.



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L.Merullo asked if the stormwater fees were an impact fee for newly developed areas. C.Parker stated that the fee would be a user fee for stormwater infrastructure. He noted that they are in the early stages of the feasibility study.

D.Landry stated that he served on the recent Community Facilities Chapter update of the Master Plan and found the process to be critical and found the information to be of an incredible educational value. He quoted Winston Churchill: "*We shape our buildings and thereafter they shape us*".

The Chair closed the public hearing.

C.Parker noted that the next step would be to adopt the updated chapter at the next meeting. Board members may submit additional comments to the Planning Department.

- C. Presentation and discussion of Developers' Handbook. Copies of the handbook are available for public inspection in the Planning Department in City Hall and on the City website at www.dover.nh.gov under City Reports.

C.Parker noted that there has been an effort from the Planning Department, DBIDA, Community Services and the Fire Department to make the process more user friendly. He felt that the document could be used as a resource.

C.Parker noted that applicants will receive a copy of the document as well as copies being sent out to the surveyors, engineers, attorneys, etc. M.Gasses thanked C.Parker for the work.

The Chair noted that the language in the Zoning Ordinance can be daunting and it is nice to have something as simple as this document. The Chair thanked C.Parker and staff for putting it together.

5. STAFF COMMENTS

C.Parker thanked S.Bird for his work on the Master Plan, introduced the new Clerk-M.Beauchamp and thanked J.Glidden for stepping up and doing the work of two people in the office.

C.Parker noted that January 12th would be the first workshop of the New Year. He noted that there would be a list of RSA changes and suggestions from other Land Use Board for proposed changes for next year. He stated that the Planning Board should review the list and pick which ones they would like to work on. C.Parker asked if the Board would like to schedule a special meeting to elect the new officers or wait until a regular meeting. D.Trefethen suggested waiting until the next regular meeting.

6. COMMITTEE REPORTS – NONE



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7. OTHER BUSINESS

L.Merullo questioned if any of the Directors would be present for the CIP meeting. C.Parker stated yes if the Board would prefer. L.Merullo stated that it would be helpful if the Director from Recreation and the Schools were available. She felt that she needed more details for what they need for their buildings. C.Parker stated that the Master Plan updates are a useful tool for communities to review and endorse the recommendations. L.Merullo stated that she has questions on areas and she is unsure what to do, since she needed updated information. It was noted that it is hard for public to look at the CIP and wonder what it is going towards. The Chair noted that there are working files that were used to come up with the figures. F.Torr stated that the school is an issue for him and wonders what studies have been done for new school high school. The Chair noted that as a Planning Board Member, he would like to join that Committee in 2014.

8. ADJOURN

Motion: L.Merullo made the motion to adjourn at 7:55PM. M.Gasses seconded. Vote: Unanimous