



CITY OF DOVER

PLANNING BOARD WORKSHOP - MINUTES

Meeting Type: Workshop
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday January 12, 2010**
Meeting Time: **7:00 PM**

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

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

OTHERS PRESENT: Anthony McManus

The Chair called the meeting called to order at 7PM.

A. Review: Site Review and Subdivision Regulation Amendments.

S.Bird reviewed the summary from other boards of proposed Site Review Regulation Amendments:

1. Revise Section 149-4 to add Environmental Quality as criteria Technical Review Committee (TRC) uses to send a project to Planning Board. He noted that most of the existing criteria dealt with traffic, welfare and safety issues.
2. Revise Chapter 149-6 to update the description of the TRC. He noted that this would update the Building Official to be the Zoning Administrator, revise the title of the Economic Development and removing Planning Director as a Secretary for the TRC.
3. Revise Chapter 149-6 to update the name of the Planning Department. This would correct the name from Planning Board to Planning and Community Development.
4. Revise Chapter 149-6 to increase abutter labels from 2 to 3 copies for certified letters.
5. Revise Chapter 149-6 to decrease the deadline for applications from 20 days to 15 days to be consistent.
6. Revise Chapter 149-10 to add standards for blasting procedures in site plans. The new section would deal with standards for procedures for developments that are doing any blasting. It outlines criteria for calling neighborhood meetings and includes a standard 500 feet and ability for Planning Board to increase it to 1,000 feet in special circumstances.
7. Revise Chapter 149-12 by removing reference to specific fee and referring to the City of Dover Adopted Schedule of Fees, which is adopted annually.
8. Revise Chapter 149-13 by requiring that a landscape plan be prepared and stamped by a licensed landscape architect.
9. Revise Chapter 149-13 to add a new section on requiring a Traffic Impact Assessment and Analysis. The wording would set standards for traffic impact analysis and require a threshold for a standard traffic impact study and what it should cover.
10. Revise Chapter 149-14, Site Development Design Criteria to reduce the required road widths. This includes reductions in the private driveway and internal road standards for multi family developments.



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Road width for 5-24 residential units would be 20-22 feet; 20 would be the minimum threshold for fire code reasons. More than 24 units would range from 22-32 feet. L.Merullo questioned if the minimum standard should be 18 feet. P.Plummer noted that it would depend on the length of access and if the unit has a sprinkler system. C.Parker noted that he advocates decreasing impervious surfaces so the Board could leave it as is.

D.Trefethen questioned why there are different standards for the roads. S.Bird noted that these standards have in place since Dover has had Site Plan Regulations. The question will be asked of the City Engineer and to see if he is comfortable with this graduated standard. D.Steele noted that the standards have to do with traffic.

11. Revise Chapter 149-14, Site Development Design Criteria to revise parking space requirements and used a table for the different land uses. Some of the new requirements include new uses, bicycle racks and different isle widths.
12. Revise Chapter 149-14, Site Development Design Criteria to update the Zoning Districts in the lighting table. The older zoning districts that Dover no longer has have been replaced with the new districts.
13. Revise Chapter 149-14, Site Development Design Criteria to permit storm water treatment and bioretention in landscaping islands and perimeter landscaped areas. This would allow developers to use these green technologies. C.Parker noted that the State of NH required that these become incorporated into Dover's Site Plan Regulations as part of the October 2007 action letter from State to Dover regarding Willand Pond. Grass for stormwater management. D. Steele Wentworth has trees in some of the island to absorb the water. S.Bird
14. Revise Chapter 149-14 to update the Zoning Districts in the Architectural Design Guidelines.
15. Revise Chapter 149-16, Schedule of Fees, by removing references to specific fees and referring to the Adopted Schedule of Fees.
16. Revise Chapter 149-19, Variances and Waivers with a complete rewrite to outline waiver requirements. S.Bird noted that the Planning Board does not grant variance but does grant waivers to regulations. This section sets guidelines that are in conformity with recent court cases. I would require that the Board would need to determine the finding before granting a waiver. He added that the waivers would need to be in writing ahead of the meeting and recorded in the minutes.
17. Revise Chapter 149-21, Definitions to specify that all definitions are to be capitalized, moving all Architectural Design Guidelines definitions to this section, adding a definition for Gross Leasable Area, and changing the format of the definitions.

There was a general discussion regarding parking regulations. S.Bird noted that these regulations are only in Site Plan and under unique circumstance the Board can grant waivers. It was noted that we are trying to use know resources such as the ITE manual.

C.Parker noted that the blasting regulations came to light after recent projects abutter concerns. He noted that the P.Plummer suggested the minimum 500 foot pre-blast survey, but the regulation allows the Planning Board to have discretion and include additional abutters. He added that the P.Plummer has drafted a more



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comprehensive blasting regulation that is before the City Attorney. He added that the State requires a 100-foot pre-blast survey. L.Merullo questioned if there was a minimum distance requirement for blasting next to your abutter. P.Plummer noted that he would look into that. C.Parker noted that the Bureau of Mines may regulate that. It was noted that abutters within 1,000 feet would be notified. P.Plummer stated that these regulations would exceed State standards. He added that this is a highly regulated business.

S.Bird reviewed the summary of proposed Subdivision Regulation Amendments with the Board.

1. Revise Chapter 155-9 to delete SCRD as a source for abutters and use the City records. It also increases the abutter labels from 2 to 3.
2. Revise Chapter 155-9 to add a new section on requiring a Traffic Impact Assessment and Analysis.
3. Revise Chapter 155-10 by changing the time period for Planning Board action from 90 to 65 days as required by State law.
4. Delete in their entirety, Chapter 155-12 – Preliminary Plat Approval and Chapter 155-13 – Final Plats. C.Parker noted that it was a precursor for TRC.
5. Revise Chapter 155-14 to require escrow agreements be on forms approved by the City Engineer.
6. Revise Chapter 155-18 to increase abutter labels from 2 to 3 for lot line adjustments.
7. Revise Chapter 155-22 - Open Space Subdivisions to decrease the minimum acres required for R-12 from 10 to 5 acres. S.Bird noted that this would make the OSS more useful in the R-12 district. C.Parker added that it increases buffers between existing neighborhoods and proposed developments with the no cut buffer.
8. Revise Chapter 155-22 - Open Space Subdivisions to set the minimum side setbacks between units in clusters to 30 feet in R-40, 25 feet in R-20 and 20 feet in R-12. This revision clarifies the minimum yard between units. D.Trefethen suggested changing the word yards to distance. C.Parker noted that a footnote should also be added to state that measurements are in feet.
9. Revise Chapter 155-22 - Open Space Subdivisions to clarify development on parcels in more than 1 district.
10. Revise Chapter 155-24 to add standards for blasting in subdivisions.
11. Revise Chapter 155-27 to add a reference to the City adopted inspection fees.
12. Revise Chapter 155-28 by updating the date of the Flood Insurance Rate Maps to May 17, 2005. .
13. Revise Chapter 155-28 to delete the requirement to put street numbers on the plan.
14. Revise Chapter 155-29 to increase the number of copies of the final plan from 4 to 5.



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15. Revise Chapter 155-29 to require that final plats include all information on a preliminary plat plus some additional information.
16. Revise Chapter 155-35 to add the New Hampshire Stormwater Manual as a design standard on stormwater management.
17. Revise Chapter 155-35 to require SWPPP inspections be submitted to the Community Services Department so that the Department can keep track of inspections and keep developers in compliance with plan.
18. Revise Chapter 155-36 by amending the street tree planting requirements.
19. Revise Chapter 155-36 by adding perimeter landscaping requirements to increase buffers and decrease the impact on neighbors.
20. Revise Chapter 155-48, Private Roads to update the Zoning Districts in the table. It was noted that the requirements are different. C.Parker noted that he would speak with D.White to update this.
21. Revise Chapter 155-51, Waiver requirements.
22. Revise Chapter 155-53, Removing any references to specific fees and referring to the Adopted Schedule of Fees.
23. Revise Chapter 155-54 to update the agency name to be Office of Energy and Planning.
24. Revise Chapter 155-60, Definitions to specify that all definitions are to be capitalized and to change the format of the definitions.
25. Revise Chapter 155-60, Definitions by revising the definition of Complete Application.
26. Revise Chapter 155-60, Definitions by deleting the definition of Family.
27. Revise Chapter 155-60, Definitions by revising the definition of Technical Review Committee to be consistent

C.Parker would like to come back before the Board on the January 26th with some of the answers and post a public hearing in February.

C.Parker presented the Board with copies of the revised Zoning Ordinance. He thanked the staff for their review and noted that the document which was 117 pages is now down to 100 pages and a much more user friendly document.

C.Parker reviewed the suggested zoning changes and noted that it should always reflect the needs of the community. He added that suggestions were received from the Energy Advisory Committee, Transportation Advisory Committee, Zoning Board of Adjustment, Conservation Commission and the Open Lands Committee. He noted the following area of concern from various boards and staff:



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1. Chapter 149 - New Section – The Transportation Advisory Committee (TAC) suggested a Transportation Demand Management (TDM) Section. TDM is the application of strategies and policies to reduce automobile travel demand or to redistribute this demand in space or in time. The staff recommended that this incorporate it into the current Site Plan Regulation changes. C.Parker suggested that they hold off on the TDM until B.Woodruff can hold a workshop with the Board.
2. Chapter 149/155 - New Section – TAC suggested to require multi-modal opportunities. This would encourage bike and pedestrian as well as public transit options. The staff recommended that this be incorporated into the current site plan regulations changes. C.Parker suggested that they hold off on this.
3. Chapter 149/155 - New Section – TAC suggested to require Traffic Impact Assessments, which includes a level of service standards and thresholds for developers to provide a traffic study or memorandum report. The staff recommends that this be incorporated into the current site plan regulations changes.
4. Chapter 155 - Section 32 (Street Layout) – TAC suggested to implement design requirements for lower speed limits on local roads. The staff recommended that this be incorporated into current Site Plan Regulation changes.
5. Chapter 155 - New Section – The Open Lands Committee suggested to require developer to mark the boundaries of easement areas with the “conservation easement placards” pinned (nailed) to trees along the boundary lines. The staff recommended that this can be accomplished administratively during negotiations with a property owner as a condition of easement acceptance.

M.Gasses noted that they are required to monitor the easement and this would easily identify the boundaries. C.Parker questioned who would maintain the markers and will the funds come from the Conservation fund. D.Andolina likes boundaries marked but it is unrealistic to think that the markers are going to be there forever. He questioned what would happen if there were no trees along the boundaries and would it be possible to delineate the easement by GPS? C.Parker noted that the Conservation Commission would need to purchase a GPS. M.Gasses noted that a GPS would not be accurate enough. She added that the Conservation Commission has a legal obligation to monitor the easements and it would make things easier if it was written in the ordinance. The Board agreed to keep this on the list.

6. Chapter 170 – It was recommended by Staff to reorganize the chapter to improve flow, however, the department may not have the resources.
7. Chapter 170 - Section 3 (Purpose) – It was recommended by Staff to remove the word “morals” from the purpose statement.
8. Chapter 170 - Section 6 (Definitions) – The Zoning Board of Adjustment (ZBA) suggested reviewing the definition of “Customary Home Occupation” and allowed uses for relevancy. The ZBA suggested reviewing various elderly housing styles for consistency with the State of NH. The ZBA suggested reviewing the definition of “Personal Service Establishment” and the allowed uses for relevancy. The staff recommended the review of all definitions in Chapter 170 for similar reasons. The Board agreed.



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- Chapter 170- Section 12 (Table of Use) – The Staff suggested to consider adding a Conditional Use Permit to create a Conservation Lot. This would allow the subdivision of a parcel, without frontage to create a non-buildable lot or conservation purposes. The ZBA suggested creating a Special Exception for a duplex unit for home health care for family members. This would remove the need for a variance.

After a lengthy discussion regarding variances for in-laws with medical conditions. It was noted that it was difficult to monitor when the medical hardship is still needed. It was noted that it could be a condition on the deed which needs to be recorded that reflects that the unit had to be removed once the need ceased to exist. C.Parker noted that if the Board made this an allowed use then they would not need to go before ZBA. The Chair noted that morally we should be doing this, but legally we can in fact do it but it will not be perfect. There was a general discussion on what triggers the second unit. D.Trefethen noted that it should remain in the ZBA's hands but the method of getting there can be handled administratively. The Board agreed to remove this from list.

- Chapter 170 – Section 12 (Table of Use) - The ZBA suggested to revise agricultural limitations to encourage more sustainable farming practices and allow for urban farming. The staff recommended to review as requested. C.Parker noted that there is a difference between chickens and pigs. He added that pets do not have to be domestic animals. D.Andolina noted that a 100 foot distance may not be enough for any odor. It was suggested that poultry be removed from swine. The Board agreed to leave this on the list.
- Chapter 170 – Section 12 (Table of Use) -The ZBA suggested to reconsider creation of average setback and build to lines. The staff recommended that the board wait and see how the regulation is used before changing it. The Board agreed.
- Chapter 170 – Section 12 (Table o Use) The ZBA suggested to review and consider revising the Pre-1964 Duplex Conversion with constraints. The staff recommended review and consider removing all together, as well as modification. The Board agreed to review.
- Chapter 170 – Section 12 (Table of Use) – the ZBA suggested to create a Special Exception for workforce housing. This would move to comply with NHRSA. The staff recommended to review as requested. C.Parker noted that over 50% of Dover is rentable and allows duplexes in a majority of the zones. He added that there is adequate workforce housing, but if an applicant comes before city the onus is on them. The Board agreed to review.
- Chapter 170 – Section 12 (Table of Use) The ZBA suggested to review uses allowed in R-40. Consider other districts as preferred location. The staff recommended review as requested. L.Merullo noted that R-40 is single family and should remain the way the Master Plan intended. She added that Dover has enough zones for other uses. The Board agreed to review.
- Chapter 170-Section 12(Table of Use) – The ZBA suggested to reconsider creation of District tables, recombine into one larger table. The staff suggested the Board wait and see how the regulation is used before changing.
- Chapter 170 – Section 12 (Tables of Use) The staff recommended to develop purpose statements for each zoning district.



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17. Chapter 170 – Section 30.2 C)1 (Extraction Permit Notification) The ZBA suggested notice requirements are revised to allow for abutter information to be obtained solely from City records. The staff recommended looking at universal notice procedures and not simple extraction notices.
18. Chapter 32 L L) (Elections Signs) The staff recommended to revise to comply with NH RSA regarding placement in a ROW.
19. Chapter 31 (Fences) The staff recommended to revise to create a setback from ROW for the erection of fences. C.Parker noted that this has become a public safety issue. He added that fences can create a visual barrier for people backing out of their driveways or people walking along the sidewalk.
20. Chapter 170 – It was suggested that the board consider support for the artistic development and incorporate art into land use recognition. The staff suggested that the board review and consider as appropriate. C.Parker noted that the Master Plan suggests that projects over a certain size should have public art component. He noted that he would like to ask the Arts Commission to work on this.
21. The Dover Energy Advisory Committee (DECA) suggested to review energy recommendations from 2007 Land Use Chapter and implement an Alternative Energy Chapter of the Code. The Staff will work with the DEAC outside of the above recommendations to review the code and will bring forward product at a later date. C.Parker suggested hiring a consultant to do an energy audit of our code and then work with the DECA to create an alternative energy code.

Master Plan, Section 4 Recommendations –

Non-Residential

Commercial/Retail

C1-Make pervious surfaces mandatory in projects where there is over 1 acre of paving.

C-3-Strengthen site and building design by revising the Architectural Design Guidelines and making them standards. C.Parker noted that recommends this for next year.

Institutional

IN1 – Update definitions for elderly care facilities.

Mixed Use

MU5-Create and adopt a special exception criteria to allow small non-residential uses to be located in existing residential neighborhoods. C.Parker suggested a special exception or a conditional use permit. L.Merullo noted that she would be concerned about traffic, parking and what the businesses could be. C.Parker noted that it should be more pedestrian friendly uses.



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Streetscape –

Public - Downtown

S6-Streetlights, mailboxes, trash receptacles and other obstructions are placed within the tree strip.
L.Merullo questioned if the tree strip would be crowded.

S9-Streetlights are low height and wattage and appear frequently toward neighborhood centers
(Approximately ever 30 feet) and less frequently toward rural areas.

Private - Downtown

S13-Develop a plan to migrate all utilities in the urban core to underground.

Other

General

G3-Define a historic district and encourage use of an Historic district Commission as outlined in Chapter 30 “Historic districts” of the City of Dover Code. C.Parker noted that this Commission would be similar to the Conservation Commission and plan an advisory role.

Natural

N2-Create public spaces and thoroughfares that are at least partially fronted by significant natural amenities.

N6-Identify strategic locations for landscaping improvements along corridors to improve aesthetics, and amend street tree requirements to create a landscaping.

Energy

E1-Adopt mandatory LEEDS certification for multi-family/commercial/industrial/office projects over a certain size. It was noted that the Energy Advisory committee will review recommendations and bring them before the Planning Board.

C.Parker recommended that the next meeting start at 6:30PM on January 26th as a workshop session to review these suggestions. The Board agreed. The Chair noted that the regular meeting will start at 7PM.

D.Trefethen moved to adjourn at 9:25PM. D.Andolina seconded Vote: Unanimous.