



CITY OF DOVER

PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, December 15, 2009**
Meeting Time: **7:00 pm**

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

MEMBERS ABSENT: John Swartzendruber and Don Andolina.

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

OTHERS PRESENT: Robert Stowell, Attorney Christopher Boldt, Stephen Wood, Duane Hyde (Nature Conservancy) and Barry Gier.

J. Nedelka sat in for J.Swartzendruber. L.Skinner sat in for D.Andolina.

The Chair called the meeting to order at 7:02PM.

1. CITIZENS' FORUM – NONE

2. APPROVAL OF MINUTES

F.Torr made the motion to approve the minutes of December 8, 2009. L.Merullo seconded. J.Nedelka noted that he believed the minutes should reflect that he sat in for P.Plummer and L.Skinner sat in for D.Andolina. Vote: Unanimous

3. OLD BUSINESS

A. Consideration and vote 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.

C.Parker noted that the Planning Board had a public hearing last week on the CIP and tonight the Board may make recommendations to the Council as to what the CIP should entail.

J.Nedelka noted that under the Cultural/Recreation portion in FY2015, it includes \$200,000 allocated to park improvements for Amanda Howard Park. He stated that he spoke with the Recreation Director and does not feel that the level of funding is justified.

J.Nedelka made the motion to remove the \$200,000 in park improvements for the Amanda Howard Park. L.Merullo seconded.

M.Gasses noted that she would rather leave the figure in since it is far enough out and whether it is taken out or left in will not be an impact. J.Nedelka noted that the Recreation Chapter of the Master Plan notes that the Amanda Howard Park is the second least used park with only 1-2% of the population aware that it is even there. He added that the Henry Law Park, which is used by 60% of the



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population, does not have that type of allocation or earmark and he felt that it was not consistent with Master Plan Vision for the City.

D.Trefethen noted that it could be reduced to a much lesser amount and if the plans or need changes, there would be a place holder for planning. He agrees that amount may be too high and may need to be \$25-\$50,000 as a bookmark. F.Torr noted that the Boards role is to see if it compares to the Master Plan and the role of the Council is to look at the financial aspect of it. He noted that it should be a recommendation to Council to consider eliminating/reducing the figure.

J.Nedelka understands but contends that it is in direct conflict with the Master Plan. He added that it was allocating money and it is the first allocation of significance to a specific park and it is the least used park in the City. Based on the survey, most people in Dover do not want more parks; they want the City to take care of the ones they have. His rationale is that the funds should be used for the parks that are used the most first, not the least.

P.Plummer agrees with M.Gasses that it is easier to push something back in the future rather than remove it and then try to get it back in the 6-year cue. It would be easier to leave it for a planning standpoint and/or move it back a year or two rather than remove it. M.Gasses noted that it is an existing park and by not addressing it, we would be abandoning it. She added that we are attempting to maintain the one that exists, which is what the community wants. She noted that several years from now we will determine what needs to be done.

L.Skinner suggested that Board send its recommendation to the Council to consider a reduction. L.Merullo noted that the Board is bringing this up at the last minute and the Recreation Director may have plans for the park. She added that she would not want to take it out without having all the facts and suggested that it be left alone.

L.Merullo rescinded her second to the motion. J. Nedelka withdrew his motion.

The Chair noted that it has been the practice of Planning Board to make recommendations to the City Council.

J.Nedelka made the motion that the Planning Board recommend to the City Council to review the Amanda Howard Park Capital Improvement with additional consideration. L.Merullo seconded.
Vote: Unanimous

The Chair noted that the Board really needs to take a look at the Capital Improvement Plan in the up coming years. There was a general discussion regarding schools. F.Torr requested that the School Board look at all options. The Chair added that it would take a lot of examination and hopes to be on the 2014 Committee.

L.Skinner made the motion to recommend the CIP as presented with the one modification to the City Council. F.Torr seconded. Vote: Unanimous



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- B. Consideration and possible vote, pursuant to NH RSA 674:4 & 675:6, to adopt 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 presented the replacement pages which have changed since public hearing last week. He noted that he did receive some suggested minor changes from Planning Board members. He added that if the Board accepts the changes, then the Board could adopt the chapter as amended.

L.Skinner questioned if Table E (Sewer Mains with Worst Condition) had been deleted. S.Bird stated that the table is not deleted; the amendment was to change the title of the table and make it more explanatory. He added that each sewer main in the system for its conditions with 1-being the best and 5-being the worst.

L.Merullo made the motion to adopt the Community Facilities & Utilities Chapter to the Master Plan as amended. D.Steele seconded. F.Torr thanked S.Bird and others who worked on the chapter. S.Bird thanked the Committee members that worked on the chapter. He included Dave Landry, Don Andolina (Planning Board Rep), William Colbath, Tom Humphrey, Bill Belanger and Paul Vlasich (Community Services). Vote: Unanimous favor.

- C. Consideration and possible vote on an amendment (insert lot lines) to a previously approved (July 25, 2006) open space subdivision of land (without lot lines) for MPJ Development LLC, (Owner: David & Jacqueline Tromba) Assessor's Map E, Lot 50, zoned R-40, located on Pacific Lane & Upper Factory Road. *(P05-72A) (6 lots)

C.Parker noted that the Planning Board recently approved the Open Space Subdivision, prior to recording there was a request made to adjust one of the internal lot lines and he felt that instead of having it recorded twice, it made more sense to do an amendment to the approval.

B.Stowell noted that Lot #6, the northwesterly lot along the river, could be better utilized to shift the lot line. He added that the area and open space would remain the same as proposed.

M.Gasses asked where the access for Lot 50-6 would be. She noted that it seems you would need to go through a wetland buffer to access the lot. R.Stowell noted that it was part of original approval to encroach on the 50-foot buffer.

D.Trefethen made the motion to accept the amendment. M.Gasses seconded. Vote: Unanimous.

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

C.Parker noted that the Planning Department recommends approval with all previously issued conditions of approval to still apply to the plan.

D.Steele made the motion to approve with conditions. P.Plummer seconded. Vote: Unanimous



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4. NEW BUSINESS

- A. Consideration and acceptance of a subdivision of land for Stephen Wood, (Owner: Montgomery Childs), Assessor's Map N, Lot 8A, zoned R-40, located at 20 Kings Highway off of Gulf Road. *(P09-32) (1 lot)

The Chair stepped down from the Board.

C.Boldt noted that he was representing the applicant. He presented a plan to create out of lot 8A (referred to as 8 B), an 11-acre parcel along the river with no road frontage. He added that this had been granted a variance on December 3, 2009. It will go on file after Mr. Wood purchases the property from Mr. Childs, and before Mr. Wood's deeds out to the Nature Conservancy. Like institution. He noted that he would like to add an additional condition to the staff report with various conditions to address future access issues if lot 8A ever gets developed. He noted that the primary access point for that development will be along the existing driveway at or near where the existing driveway cut comes in onto Gulf Road. The adjacent Wisteria Drive is secondary access or emergency access if that is the requirement put in place by future Planning Board members.

C.Boldt noted that on Note #4 he suggested that the ZBA December 9, 2009 approval letter and its documentation be recorded at the Registry of Deeds instead of all the wording on the plan. He noted that there was a typo on the Della Penta designation, it improperly lists the Bents and Lot 8A-4 address should be Naples FL. He noted that the 12-foot access to get to 8 B should be 20-feet, which is what the Nature Conservancy requires. F.Torr noted that at the top left of the plan David Ayer should read Daniel Ayer.

P.Plummer made the motion to accept. D.Steele seconded. Vote: Unanimous

F.Torr, as the Acting Chair, opened the public hearing. No comment was made. F.Torr closed the public hearing.

C.Parker noted that the applicant submitted plans to subdivide one lot into two lots. The existing house would be on a 31-acre lot and the new lot would become 11-acres. He added that the new lot would be conveyed to a recognized conservation entity and have no development value. He noted that the Planning Department recommends approval with the following conditions:

1. Add the owners' signature to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. The applicant shall provide the Planning Department with a copy of the NH DES subdivision Permit.
4. The applicant shall comply with the conditions set forth by the ZBA on December 3, 2009 (This may be documented by recording the letter).
5. The applicant shall revise the plat to correct the Della Penta address and remove John & Linda Bent as Trustees.



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6. The applicant shall revise the plat to correct the addresses, of the owner of Lot N 8A-4 and owner information for Lot N 1, 18-2 through 18-5.
7. The applicant shall revise plat to show a 20-foot access easement over Kings Highway.
8. The applicant shall revise the plan to add a note which reads: Primary access for future development of Lot 8A shall be on to Gulf Road at or near the driveway cut for the existing driveway (known locally as "Kings Highway") as shown on the Plan. Secondary and/or emergency access for such future development may be via the existing adjacent access on to Wisteria Drive to the extent at that time required/allowed by the Planning Board and/or allowed by the owner of such adjacent access.

L.Merullo made the motion to approve with conditions as set forth by the Planning Staff. J.Nedelka seconded. Vote: Unanimous

The Chair joined the Board.

- B. Consideration and acceptance of a conditional use permit for the Dover Housing Authority, Assessor's Map 23, Lot 16 & Lot 32, zoned CBD, located at Central Towers, Henry Law Avenue *(P09-34) (Construction of a retaining wall within areas of steep slope to support the expansion of parking lot.)

R.Stowell noted that Tri Tech has been working with the Dover Housing Authority to recapture spaces and gain more parking. A lot of scenarios were reviewed. The plan before the Board involved the Dover Housing Authority to acquire property from an abutting parcel. The new parking configurations fit with the Henry Law improvements. It has a one-way access in on the northerly end of the site and exits onto George Street. This plan recaptures spaces, adds spaces and conforms to the new improvements. The plan does require a conditional use permit and the applicant is requesting waivers from property lines. In some places the setback to abutting properties is as close as 3-feet. The plan requires the construction of a retaining wall and reflects the Technical Review comments.

D.Trefethen questioned if the configuration of the new parking lot and future edge of payment left an opportunity for any landscaping between the parking lot and the street. R.Stowell noted that the plan is to have grass. D.Trefethen questioned how snow removal and storage would be addressed. R.Stowell stated that a snow blower would be used and most will be trucked off site. P.Plummer asked if the entrance was modified to accommodate the ladder truck. R.Stowell noted that the raised island is now only slightly raised. He added that this will let public know they have to get around it but the Fire Department would be fine. M.Gasses questioned if the abutters with the 3-foot setback had any complaints. R.Stowell noted that the abutter sold the lot on the corner which is being utilized and in exchange they will get 3 parking spaces in the parking lot. M.Colbath asked what the distance between the structure and parking spaces was. R.Stowell stated that there is a 12-foot driveway between the parking spaces and the structure.

L.Merullo asked if it was possible to have landscaping to soften the area. R.Stowell stated that he would only recommend it for an 8-foot wide strip for bushes or trees to establish a root system. It was noted that the City plans a walkway along George Street. C.Parker noted that landscaping was a good idea when the plans get finalized and sidewalk is in place.



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D.Steele made the motion to accept plan. P.Plummer seconded. Vote: Unanimous

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

C.Parker noted that the applicant appeared before the Conservation Commission on December 7, 2009 and received a favorable endorsement. RSA 674:54 provides for the planning board review of governmental land uses and nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations. The Planning Department recommends approval of the Conditional Use Permit.

D.Trefethen moved to approve with conditions as recommended by the Planning Department.
L.Merullo seconded. Vote: Unanimous

- C. Consideration and acceptance of a site review of land for the Dover Housing Authority, Assessor's Map 23, Lot 16 & Lot 32, zoned CBD, located at Central Towers, Henry Law Avenue, per RSA 674:54. (New parking lot)*(P09-33)

D.Trefethen made the motion to accept. J.Nedelka seconded. Vote: Unanimous

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

C.Parker noted that the applicant appeared before the Technical Review Committee on December 3, 2009 (TRC Notes enclosed). The applicant appeared before the Conservation Commission on December 7, 2009 and received a favorable endorsement. RSA 674:54 provides for the planning board review of governmental land uses and nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations. The Planning Department recommends approval of the site plan, with the following recommendations:

1. The Planning Board grants the waiver based on the reasons outlined in the written wavier request.
2. The applicant shall record the Lot Merger Form at the Strafford County Registry of Deeds.
3. The applicant shall work with the City Engineer to phase in a sidewalk along Henry Law Avenue.
4. The plan for the maintenance of storm water facilities shall be reviewed and approved by the City's Environmental Projects Manager.
5. The applicant shall work with the Community Services Department to determine if the relocation of the water quality unit to Henry Law Park is advantageous.
6. The applicant shall submit engineered plans for the retaining wall to the City Engineer for review and approval prior to construction of the wall.
7. The applicant shall revise the plat showing the surveyor stamp.
8. The applicant shall revise the plat showing the engineer stamp and the applicant shall submit an as built when the engineering of the project is complete.

F.Torr made the motion to approve with condition recommended by the Planning Department.
J.Nedelka seconded. Vote: Unanimous



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5. STAFF COMMENTS

C.Parker noted that the new Zoning Ordinance is being proof read by staff and should be ready by the end of the week. The consultants are finalizing the road impact fee and it should be ready in January. The multi-space meter parking system will be going live on January 4, 2010 and we are doing some public education and outreach to help get information to shop owners. He stated that on January 26, 2010 we will be getting rid of the easel and everything will be done electronically.

6. COMMITTEE REPORTS

D.Trefethen noted that the City Council passed a resolution that limits the term for Chairs and Vice Chairs. He added that the State law exempts land use boards and would be a voluntary effort/decision of this Board. The Chair noted that the Board will vote for officers on the January 26, 2010.

The Chair noted thanked J.Nedelka for his contributions as an alternate on the Board. He added that things slowed down and this allowed the planning staff to work on a number of things like the Master Plan and the Zoning Changes. He thanked the Board for doing a wonderful job this year.

7. OTHER BUSINESS

8. ADJOURN

D.Trefethen made the motion to adjourn at 7:59PM. D.Steele seconded. Vote: Unanimous