



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers
Meeting Date: Tuesday, February 23, 2010
Meeting Time: 7:00 pm

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

MEMBERS NOT PRESENT: John Swartzendruber

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

OTHERS PRESENT: John Sullivan, Barry Gier and Richard Hill.

The Chair called the meeting to order. The Chair noted that G.Green would sit in for J.Swartzendruber.

1. APPROVAL OF THE JANUARY 26, 2010 AND FEBRUARY 9, 2010 MINUTES

F.Torr made the motion to approve the January 26, 2010 Minutes. D.Andolina seconded. **Vote:** Unanimous

F.Torr made the motion to approve the February 9, 2010 Minutes. D.Andolina seconded. **Vote:** Unanimous

2. NEW BUSINESS

A. Pursuant to NH RSA 674:4 & 675:6, a public hearing will be held to consider the adoption of the 2008 Parking Facility and System Report as addendum #3 to the 2000 Transportation Chapter of the Dover Master Plan. Copies of the plan are available for public inspection in the City Hall and on the City website at www.dover.nh.gov under City Reports.

C.Parker noted that this addendum was developed by the Lancing Melbourne Group. He noted that there was a parking management study performed. This went to the Transportation Advisory Committee, who forwarded it to this Board in 2008 for review and adoption as an addendum to the Master Plan.

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

D.Trefethen made the motion to adopt the 2008 Parking Facility and System Report as addendum #3. L.Merullo seconded. **Vote:** Unanimous.

B. Public Hearing to consider amendments to Chapter 155, entitled "Subdivision of Land" of the code of the City of Dover. Amendments include the requirement to get abutters from City records and require 3 sets of labels; establish standards for traffic studies; amending the time for Planning Board decisions to 65 days; deleting preliminary plat approvals; revising escrow agreements section; reducing the minimum size of an R-12 lot for an open space subdivision to 5 acres; changing the distance between units in clusters; adding a blasting section; amending all fees to refer to the adopted fee schedule; require 5 prints of final plat; amending the requirements for information on preliminary and final plats; adding new storm water management documents; amending street tree requirement; adding perimeter landscaping requirements; revising the waiver requirements; general amendments to the definitions section; revising two definitions; deleting the definition of Family; and several minor housekeeping amendments. The complete wording of each amendment is available in the Planning Department and on the City's website at www.dover.nh.gov.



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

C.Parker suggested that Board leave this on the table and amend it with the proposed abutter definition amendment. He noted that it will be reposted and the staff will schedule another public hearing department will repost and have another public hearing for March 23, 2010.

D.Andolina made the motion to table the public hearing subject to the recommendation from the Planning Director. D.Steele seconded. **Vote:** Unanimous.

- C.** Public Hearing to consider amendments to Chapter 149, entitled “Site Review Regulations” of the code of the City of Dover. Amendments include revising the Technical Review Committee procedure; require 3 sets of abutter labels; reduce application deadline to 15 days; adding a blasting section; amending all fees to refer to the adopted fee schedule; set standards for a landscape plan; establish standards for traffic studies; revise the parking regulation standards and add bicycle rack requirements; amend parking lot design standards; allow storm water treatment in landscape areas; revising the waiver requirements; general amendments to the definitions section; adding a definition of gross leasable area; and several minor housekeeping amendments. The complete wording of each amendment is available in the Planning Department and on the City’s website at www.dover.nh.gov.

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

C.Parker suggested that Board leave this on the table and amend it with the proposed abutter definition amendment. He noted that it will be reposted and the staff will schedule another public hearing department will repost and have another public hearing for March 23, 2010.

D.Andolina made the motion to table the amendments. L.Merullo seconded. **Vote:** Unanimous.

- D.** Public Hearing and possible vote regarding proposed Road Impact Fees. NH RSA 674:21-I authorizes impact fees to be collected to pay for the impacts to Capital Facilities caused by development. The details of the impact fees are outlined in a report prepared for the Planning Board, which is available for public inspection in the Planning Department and on the City’s website at www.dover.nh.gov.

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

C.Parker noted that this document was created by Bruce Mayberry. S.Bird noted that B.Mayberry provided a report done on a nationwide basis for impact fees. He also provided a list of New Hampshire communities that have adopted road impact fees. S.Bird noted that road impact fees are the least common impact fees and school impact fees are the most popular. There are 8 or 9 communities that have road impact fees in place. In most instances those road impact fees were specific to a corridor with high traffic issues. There are a few communities like Dover’s that is community wide such as Concord and Litchfield. In comparison Dover’s impact fees are significantly lower than those in Concord, Litchfield and the national average.

P.Plummer questioned if the dollar value going out in impact fees is consistent with Concord and Litchfield. S.Bird stated that communities that have impact fees generally have more than one. He did not look at them across the Board, but that is information that could be developed. D.Trefethen noted that he is interested in



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a summary table of all of our fees and what the immediate surrounding communities have within 10 miles. S.Bird noted there are at least 10 Communities in New Hampshire that have road impact fees.

D.Andolina questioned if there was a way of determining the impact to developers, and will this discourage growth. S.Bird stated that if they know what the fees are up front, they take it into account when they move forward. He added that it is the unpublished fees that concern developers. Having the fees in place as a public document helps the developer with their decision making process when developing a particular piece of land. S.Bird noted that the impact fees can be adjusted by this Board. He added that these fees are linked to a traffic trip generation numbers.

S.Bird noted that the road impact fee is assessed to any new development, but it does not preclude the Board from an offsite improvement that is particular to that development. L.Merullo noted that the impact fees include: Police, Fire, Recreation, School and the proposed Road impact fee. L.Merullo felt that it could deter someone from developing. She would like an idea of what it would cost for each house with all the impact fees. She questioned if there was a difference between 5-10 units versus over 20 units. C.Parker noted that the conditions of approval letter does state prior to the issuance of a building permit you will need to pay the following impact fees, plus water and sewer. He added that he believes the total fee for a 3 bedroom house is \$10,000 including water/sewer investment fees.. He noted that the \$5,000 or so related to the impact fees are generated from the communities desire to charge development for its impact on the community. L.Merullo questioned if any developers have any concerns regarding the impact fees. He added that the developers will calculate the impact fee ahead of time to see if it is within their business model to do the project.

M.Gasses noted that some of the private education institutions have created some significant impact and questioned if they are exempt from the impact fees. C.Parker noted that we do not waive nonprofits. If it is non residential, we do take into consideration the Recreation and School impact fee. We do work with developers to provide capital assets in exchange of the impact fee. He noted that the City Council would need to accept the assets. The road impact fee is not geared towards the immediate area; it is for the overall arterial circulation network.

D.Trefethen noted that we need to keep in mind that these fees are applicable to private land owners. The impact fees become included in the cost of the house and become part of the purchase price. He was concerned how those fees are included in the assessment process. C.Parker noted that he would have to ask the Assessor, but he believes the informational breakdown is available to the Assessor.

G.Green questioned if the impact fees were earmarked and if the Board had the authority to earmark these fees. C.Parker noted that the fees are placed in capital funds that are earmarked for the purpose. S.Bird added that the fees could only be used for the capital project within the categories of the Capital Improvement Plan. P.Plummer noted that someone is paying for the projects whether we have impact fees or not. It is whether every homeowner /taxpayer is paying for it or the new development that is driving the increased cost is paying for it.

D.Trefethen made the motion to table the Road Impact Fees. D.Andolina seconded. **Vote:** Unanimous.



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- E. Consideration and acceptance of a Conditional Use Permit for South Side Fitness, LLC, (Owned by Double Diamond Holdings South, LLC), Assessor's Map 15, Lot 21, Zoned I-1 located at 275 Locust Street. **(P10-11)**

J.Sullivan from Summit Land Development noted that he feels the proposed use is consistent with the mixed use of the I-1 zone and meets the Flexible use requirements of the code (170-19 B3-b it states that commercial recreation, including but not limited to health club, fitness center and recreation facilities). He feels that the use would not only be an amenity to the Locust Street building, but also be used as a community use. Currently there are 352 parking spots at the current location. This facility will not be more 5,500 square feet and per the requirements of 1 parking spot per 300 square feet of the facility, it calls for 18 parking spaces by code. This would give the employees and the owners the ability to workout during lunch, before or after work. He noted that there will be a cardio space, strength and conditioning, and a group exercise room.

D.Trefethen had concerns regarding vehicle and pedestrian conflict in the parking areas. J.Sullivan noted that the south side parking lot has 79 parking spots. He added that 1 company uses this lot and they have 35-40 employees. He felt that there was adequate parking in the lot to handle the proposal. He added that as the property is built out, we will give specific areas as the building expands. J.Sullivan noted that as they expand, they have 10 parking lot lights that will be installed across the street. L.Merullo questioned signage. J.Sullivan noted that they would do signage by code.

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

C.Parker noted that the applicant is asking to locate a health and fitness facility in 5,400 square feet of the existing building, formally known as the Moore Business Forms building. Chapter 170-19, Flexible Uses in the I-1 District, allows certain non-residential uses in the district if the Planning Board grants a Conditional Use Permit. The Planning Board must determine that the proposed use complies with the statement of purpose of the ordinance and meets all of the provisions of the district. The purpose and intent of the ordinance is as follows:

"The purpose of this section is to allow property owners to redevelop their industrial property in a more flexible and context sensitive method. Additionally, these non-residential nodes are located in areas that could accept commercial uses that are on a neighborhood scale and the property could offer surrounding residents opportunities that do not exist today. The district includes options which enable and encourage greater flexibility in the design of residential housing with commercial projects that adaptively reuse the industrial property in a more context sensitive mode. The district encourages mixed residential and commercial uses are intended to be complementary of one another and to create a sense of community between the mixed uses."

C.Parker noted that the proposed use is compatible with the other uses in the building and in the neighborhood. The health and fitness facility could be used by employees from other businesses in the building and by people that live in the neighborhood. There is more than adequate parking available for the use. The Planning Department recommends approval of the Conditional Use Permit.

The Chair noted that the Board received two letters of support from Bill Pane & Mike McGreevy.

D.Andolina made the motion to accept the application. L.Merullo seconded. **Vote:** Unanimous.



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D.Andolina made the motion to approve with staff recommendation. L.Merullo seconded. **Vote:** Unanimous.

The Chair noted that the next applicant has three cases before the Board.

- F. Consideration and acceptance of a Minor Subdivision for First Church of Christ Scientists, Assessor's Map 30, Lot 120, Zoned RM-U & O, located at 604 Central Avenue. **(P10-14)**
- G. Consideration and acceptance of a Change of Use for Center of Assessment (Owned by First Church of Christ Scientists), Assessor's Map 30, Lot 120, Zoned RM-U, located at 31 Mount Vernon Street. **(P10-07)**
- H. Consideration and acceptance of a Conditional Use Permit for Center of Assessment, (Owned by First Church of Christ Scientists), Assessor's Map 30, Lot 120, Zoned RM-U, located at 31 Mount Vernon Street. **(P10-13)**

B.Gier from TriTech Engineering noted that the first application is for a subdivision. He noted that the reading room is located on Central Avenue and the sanctuary is located on Mount Vernon Street. The proposal is to split the lot at the zone line. He noted that the second application is for the site plan for the building on Mount Vernon. The applicant is proposing to change the use of the sanctuary to offices. He noted that the Zoning Board of Adjustment granted a variance for the office space. He stated that the Center for Assessment is proposing to reconstruct the parking lot, improve the exterior of the building, drainage and landscaping. The third application is for a Conditional Use to reduce the parking and allow shared parking between the reading room and the existing sanctuary. He noted that the reading room would become the church's sanctuary and the existing sanctuary would become the offices. The required number of spaces is 19 spaces and the applicant is proposing 15 spaces. He noted that the Center for Assessment has 12 staff members, but on an average day there would be approximately 6-8 people using the building. He added that once or twice a month there would be staff meetings and 12 people would be using parking lot.

L.Merullo stated that the staff comments noted that the conditional use permit would be null and void if it becomes a major office function or defined as something else down the road. B.Gier noted that this was something the Planning staff is proposing and it would need to be voted on by the Planning Board. He added that the Zoning Board placed a maximum of 20 employees as a condition of approval. He stated that the Zoning Board's concern was parking. The applicant is trying to maintain the residential feel and park like atmosphere. He added that there are no plans for expansion.

D.Trefethen questioned the parking requirements for the Central Avenue building. C.Parker noted that the buildings would have share parking lot with a cross access easement and utilize the parking in the rear. He added that there is additional parking on Central Avenue as well, which could be used in the day to day operations. B.Gier noted that the church would use the parking on Wednesday evenings and on Sunday. He added that there will be a shared parking agreement as well as other agreements that include landscaping.

F.Torr questioned if there were any sidewalks leading off the property. B.Gier noted that there is an existing sidewalk on Mt Vernon which is in disrepair. The applicant is proposing a sidewalk for handicap access. He added that there are proposed landscaping retaining walls.



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The Chair requested a motion from the Board regarding the application for **3-F** (Subdivision).

F.Torr made the motion to accept the subdivision application. D.Andolina seconded. **Vote:** Unanimous

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

C.Parker noted that the applicant has submitted a set of plans asking to subdivide an existing lot into two lots. Both lots would be serviced by municipal water and sewer. The Planning Department recommends approval of the subdivision plan with the following conditions:

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 add the surveyor's stamp and signature to the plat.
4. The applicant shall revise the plat by adding the Planning Board file number in the title block.
5. The applicant shall submit any cross access/maintenance agreements to the Planning Department for the file.

L.Merullo made the motion to approve the subdivision with staff recommendations. D.Steele seconded. **Vote:** Unanimous.

The Chair requested a motion from the Board regarding the application for **3-G** (Change of Use).

P.Plummer made the motion to accept the application for the Change of Use. D.Steele seconded. **Vote:** Unanimous.

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

C.Parker noted that the appeared before the Zoning Board of Adjustment on February 18, 2010 and received a variance for the office use for a zone that does not currently allow offices. He added that the condition of approval was a maximum of 20 employees. He stated that the applicant is asking to change the use of the existing building from a church sanctuary and meeting place to an office use of 6,300 square feet. The applicant met with the Technical Review Committee on February 4, 2010. He noted that the Planning Department recommends approval of the change of use, with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. Add the owners' signature to the plan.
2. Provide the Planning Department with a digital version of the plan.
3. The applicant shall add the engineer's stamp and signature to the plan.
4. The applicant shall correct the spelling of the word "avenue" in the title block on sheet T-2 of the plan.
5. The applicant shall revise notes #13 and 14 on sheet SP-1 to reflect the variance that was granted and any conditions of approval with the variance.
6. The applicant shall revise the plan to extend the fence as shown on a revised plan dated February 15, 2010.



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D.Trefethen questioned if the property with the offices would become taxable. R.Hill, Chair of the Board of Trustees for Center of Assessment, noted that they are a 501(C)3 nonprofit organization.

L.Merullo questioned how the applicant would be monitored as to whether they go over the 20 employees. C.Parker noted that we take the applicant at their word, but if there were a complaint, it would be investigated. He added that staff would do periodic drive-bys.

F.Torr made the motion to approve the Change of Use with conditions recommended by staff. G.Green seconded. **Vote:** Unanimous

The Chair requested a motion from the Board regarding the application for **3-H** (Conditional Use).

D.Trefethen made the motion to accept the Conditional Use Permit. D.Andolina 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 is asking to reduce the number of parking spaces required from 19 to 15 for the proposed office building and to allow for shared parking for the parking spaces required for the church. Chapter 170-44-I provides for the Planning Board to allow a decrease in the number of parking spaces required and to allow for adjacent uses to share parking. The applicant has prepared and submitted an analysis to support their request. The Planning Department recommends approval of the Conditional Use Permit with the condition that the approval is for this owner and office use only and any expansion in the number of employees or change in ownership will make this conditional use permit null and void.

M.Gasses made the motion to approve the Conditional Use Permit with staff recommendations. L.Merullo seconded. **Vote:** Unanimous.

3. OLD BUSINESS

C.Parker noted that the Planning Board has received a request for a voluntary merger. He noted that the Tasker Funeral Home is merging two lots on Central Avenue Map 27, lot 146 & lot 147. He noted that these were adjacent lots utilized for their business. The Chair signed the voluntary merger.

4. STAFF COMMENTS

C.Parker noted that he will be at the Green Bean on March 9 between 7:30AM and 8:30AM for anyone who wanted to discuss planning related issues.

5. COMMITTEE REPORTS

The Chair noted that the 2014 Committee he was appointed to, which involved interfacing and information gathering with respect to Barrington, Nottingham, and Dover, and involved the \$60 million for the 2014, 2015 and 2016 Capital Improvement Plan has been dissolved. He noted that he was disappointed and will request a new committee.



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6. ADJOURN

F.Torr made the motion to adjourn at 8:16PM. D.Andolina seconded. **Vote:** Unanimous