



CITY OF DOVER

DOVER PLANNING BOARD – AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers
Meeting Date: Tuesday, May 11, 2010
Meeting Time: 7:00 pm

1. CITIZENS' FORUM

2. APPROVAL OF THE PRIOR MINUTES

- April 27, 2010 Meeting Minutes.

3. OLD BUSINESS

4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Application for Gary and Carol Allen, Assessor's Map E, Lot 49A, zoned R-40, located at 163 Tolend Road. *(P10-21)
- B. Consideration and possible vote on two amendments to a previously approved (July 22, 2008) Site Plan and Conditional Use Application for Paolini Brothers Development, LLC, Assessor's Map K, Lot 20, zoned B-3, located at 54 Dover Point Road. *(P08-15A)
- C. Consideration and possible vote on a driveway waiver for MPJ Development LLC, Assessor's Map 49, Lot 8, zoned R-20, located at 38 Nye Lane. *(P10-24)

5. STAFF COMMENTS

6. COMMITTEE REPORTS

7. ADJOURNMENT

* Indicates that if the application is accepted for discussion, the public hearing will be held the same evening, at which time any interested party may offer comment to the Planning Board.

Persons with questions or wishing to see the plans are invited to visit the Planning Office, weekdays from 8:00 am to 4:00 pm. You may also view materials at www.dover.nh.gov, a map showing project locations can be found at www.dover.nh.gov/planhome.html.



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

MEMBERS NOT PRESENT: John Swartzendruber, Doug Steele

STAFF PRESENT: Christopher Parker (Planning Director) and Jean Glidden (Recording Secretary).

The Chair called the meeting to order at 7:02PM. As alternates, Lee Skinner stood in for Doug Steele and Gary Green stood in for John Swartzendruber.

1. CITIZENS' FORUM – NOBODY SPOKE

2. APPROVAL OF THE March 23, 2010 Workshop Minutes, March 23, 2010 Regular Meeting Minutes and April 6, 2010 Workshop Minutes.

F.Torr made the motion to approve the March 21, 2010 Workshop and Regular Meeting Minutes and April 6, 2010 Workshop minutes. D.Trefethen seconded. **Vote:** Unanimous.

3. OLD BUSINESS

C.Parker noted that the plans in front of them are the existing condition site plan from Redimix, which is located on Mast Road and was an accessory use approved by the Planning Board in 1992 as part of the gravel pit. Since the area was rezoned from R-40 to I-4, it is now an allowed principal use. They will be coming in front of the Board in the foreseeable future with some plans to upgrade the site and clean it up. This is awareness for you as you begin to think of the gravel pit tours in anticipation of next months gravel pit permit process. The Zoning Administrator has determined that what was an accessory use to a gravel pit is now an allowed principal use under the industrial zoning.

L.Merullo mentioned to the Board that Albert Estes built her home and wanted to make them aware of this before proceeding with items 4.A & B on the agenda. She stated that she would recuse herself if they had a concern. Nobody voiced a concern.

The Chair announced that item 4. New Business, C and F will not be discussed this evening. He stated that the first two matters under new business relate to the same project therefore will consolidate the presentation and will be addressed individually.

4. NEW BUSINESS

A. Consideration and acceptance of a Conditional Use Application for Christine Estes, Assessor's Map A, Lot 51-9, zoned R-40, located at 240 Long Hill Road. (Construction upgrade of an existing driveway to a public roadway; 619 square feet of wetland impact) *(P10-18)

B. Consideration and possible vote on a Major Open Space Subdivision for Christine Estes, Assessor's Map A, Lot 51-9, zoned R-40, located at 240 Long Hill Road. (9 lots) *(P10-19)



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Attorney James Schulte representing the applicant stated that Albert Estes is present as well as Bob Stowell and Doug LaRossa from Tritech Engineering. This is a nine lot open space subdivision application. There is an existing residence on the site where the applicants live and their house will become one of the lots. There will be a total of eight new lots. The existing driveway will be taken out and will be replaced by a City Street as shown on the plan. The Conservation Commission gave a favorable recommendation with respect to the conditional use permit. We have already received dredge and fill permit from the State. Attorney Schulte discussed the road configuration. The reason for the road configuration will be to minimize the impact. As the road curves it comes very close to the existing garage on the Estes property. If we move the roadway further to the south we would have to remove the garage to do that. At both of those sites the back corners of the two abutting properties have wetlands close to those corners. The purpose for the 50ft setback is to make sure there is vegetation and screening between the structures on existing and adjacent lots. The place where the road comes close to the corners of the abutting properties is located 300ft to 400ft from those residences. We ask that you approve the conditional use permit and accept the application on the subdivision, accept testimony and schedule a site walk.

Robert Stowell Tritech Engineering spoke to the character of the design which works within minimizing the wetland impact. We have been to the TRC in February and received favorable input on our concept at that point. The houses would be serviced by on-site septic systems and wells and underground electric and telephone. He explained abutting parcels and the open space.

D.Andolina questioned the proposed roadway and confirmed with B.Stowell where it would be located. P.Plummer confirmed with B.Stowell that the existing driveway will be removed.

D.Trefethen expressed concern with the right of way which crosses the larger wetland area close to the Sklarski property and wondering when you have done the individual lots who will own that small strip of land. He also questioned the garage and why it is in the setback. R.Stowell explained that the home owners association will maintain the strip of land and the existing garage structure will meet the setback from the roadway. He confirmed that the open space is located around all of the lots instead of one open area.

L.Merullo mentioned that she thought the driveway, which will now be a road, is steep. Will that be a slope issue? B.Stowell said there is a small area crossing over the existing culvert, the regulations allow 8% and this is at 6 ½%. She asked if they ever end up with the north end water tower will this development see that. B.Stowell said he believes it is too far away, maybe 1500 to 2000 ft away. She said she is concerned with the height and wants to make sure if they do see it that it is disclosed somewhere to the homeowners.

M.Gasses questioned the encroachment into the setback from the road; if you move the road in order to make that not happen will that make lot 51-9-3 unbuildable?

B.Stowell said no, when you come off Long Hill Road we pushed the road way away from the existing driveway, but as it snaked through the wetlands and with the required geometry for a city road we were not able to do that. We pushed it towards the west. The least impacting alternative was to connect the roadway right where the driveway crossed. That was the motivating factor. He



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clarified to M.Gasses that the garage will meet the setbacks. A lean-to that has been used for storage will come off.

F. Torr made the motion to accept the application for the Conditional Use Application. D.Andolina seconded. **Vote:** Unanimous.

F. Torr made the motion to accept the application for the Open Space Subdivision. D.Andolina seconded. **Vote:** Unanimous

The Chair opened the public hearing for both the Conditional Use Application and OSS.

Chris Beliveau, abutter at 228 Long Hill Road clarified his lot as Map A, Lot 51-10. He stated that as a primary abutter his concerns start with tearing down part of that garage and even though they are moving the driveway it will still be lined up practically on their property line and as grading begins he has multiple concerns; will the grading be on my property, environmental problems if an oil truck has a problem and starts to leak on my property. He questioned the city street and the homeowners association and the amount of open space behind his lot. He said he had the drainage explained to him, somewhat comfortable, but how will my well be affected. If we throw in eight more houses how will that impact the well? Further justification would be nice. He has heard that trees will be planted but what happens if they don't get planted? What type of recourse as an abutter do I have? How many lots have been pre-sold? He added that he is hoping that the site walk is convenient for everybody. Will this be developed one lot at a time or clear all sites and put in all foundations?

C.Parker explained that if you look on S-1, Map A Lot 51-9-O. That O indicates the open space lot. It wraps around the lot and abuts Lot 51-10. The City requires a no cut no disturb buffer, 50 ft in from the property line to the vegetation in place will remain, it will be staked out and before any tree clearing or road work can be started the City Engineer and the Building Official will have to make sure this has been done. The homeowners association will maintain the open space. They are allowed to work on land management or forestry. C.Beliveau asked who is accountable. C.Parker stated that if this happens during the construction of this project you need to call our department and we would conduct an inspection. We would contact the developer to reestablish the vegetation that was removed. We require a bond to make sure it meets certain thresholds. He explained the process and said certain things will be staked out for the site walk so you will see where the lots and the center line of the road will be. It will come back to this Board in May for potential approval at that point. The public hearing will be un-recessed and you will have another opportunity to speak about any issues.

C.Beliveau added that he met with Doug Larossa and said he was helpful regarding the drainage plan, but what happens if something goes wrong with this plan. C.Parker stated that he would need to contact the City Engineer. They need to review and sign off on the plan before it is passed by this Board. We would reach out to the developer and their agents to modify and or correct the drainage plan if needed. C.Beliveau said he is concerned with the culverts and it would reconfigure all that drainage in the area. There is an existing stream that is there year round. I am concerned about moving culverts as that moves streams.



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Joe Tenuta, 262 Long Hill Road stated that in 1996 he purchased his house from Estes. He stated that he wanted to express his opposition. He loves the natural setting and is concerned about the subdivision and its impact on the wooded area.

The Chair announced that the public hearing will be recessed at this time and the site walk will be scheduled for Tuesday, May 4, 2010 at 5:30 P.M. Parking will be at the Estes residence at 240 Long Hill Road.

Discussion ensued regarding what they were expected to see staked out for the site walk. The Chair asked B.Stowell if he would like to comment on the abutters concerns.

B.Stowell said that Mr. Beliveau mentioned grading. The only grading that will take place close to his property is the removal of the old driveway. We do have a couple of spots that it does encroach on his property that will be removed. No new construction will be on his property. The homeowners association owns that land and the open space. Phasing of the homes would typically not be a large disturbance at one time. The road will be built and hopes to have more than one house going at a time. They will be built as necessary. He added that he does not have specific information about the wells that have been drilled, but will obtain information to submit at the site walk.

F.Torr made the motion to table item 4.A & 4.B. D.Trefethen seconded. **Vote:** Unanimous.

- C.** Consideration and acceptance of a Conditional Use Application for Gary and Carol Allen, Assessor's Map E, Lot 49A, zoned R-40, located at 163 Tolend Road. *(P10-21)

This item will not be heard.

- D.** Consideration and acceptance of a Minor Lot Line Adjustment of land for Summit Land Development, (Owner: 2830 Holdings LLC), Assessor's Map K, Lot 19A & 19C, zoned R-12/B-3/ETP, located at Dover Point Road. *(P10-23)

Jennifer Variengo, Appledore Engineering represented the applicant. She stated that they are moving the lot lines slightly to the west making two conforming lots under the regulations.

D.Trefethen confirmed that the two lots are conforming. Why do you need to move the line?

J.Variengo said the owner wishes to make one of the parcels larger.

L.Merullo asked if this has anything to do with moving it in a different zone. J.Variengo explained the zones that the parcel is located in.

M.Gasses asked C.Parker for a scenario of what is allowed in this area. C.Parker stated that R-12 single family residential, B-3 is thoroughfare business, retail, office, basically commercial uses, residential on the second floor or above with a special exception is allowed. ETP is strictly non-residential; in this case the ETP is actually within the RCM overlay district.

Discussion ensued regarding the three different zones.



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L.Merullo expressed concern with changing zones and changing uses. C.Parker said that this is not a rezoning. J.Variengo said it will be a different lot size. Zoning line is not changing within.

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

The Chair opened the public hearing.

Marilynn Follansbee, 25 Dover Point Road said she lives diagonally across the street from this proposed change. The idea that we are having three zones intruded and that there is no hardship to the developer if he puts a structure in the B-3 zone. The applicant wants to intrude upon two other zones. Why do we bother with zones if we allow this to happen? He knew what the zoning was when he purchased it. If this goes through I think you will see a lot of variances come up and spot zoning on Dover Point Road. She asked that the Board say no to the request.

The Chair closed the public hearing.

C.Parker noted that the applicant has submitted a set of plans asking to transfer 7,363 sq. ft. of land from one lot to another adjacent lot on Dover Point Road. There is no change in the number of lots.

The Planning Department recommends that the Planning Board approve the application for a minor lot line adjustment of land with the following conditions:

1. Add the owner's signature to the plat.
2. Provide the Planning Department with a digital version of the plat.

M.Gasses mentioned to Mrs. Follansbee that the zoning lines in the lot are not changing. The lot is increasing in size.

G.Green asked why the applicant is asking for the lot line adjustment. J.Variengo stated that the owner owns both parcels and they are allowed to move the lot lines under the regulations.

D.Andolina made the motion to approve with conditions as set forth by the Planning Staff. M.Gasses seconded. Chair asked for discussion on the motion. D.Trefethen stated that although he agrees that the Board can not determine use for this type of an application because it is not the application before them, he does believe that asking why they want to move the lot line is a legitimate question to ask and although he is not happy with the answer he accepts the answer because it is a legal answer.

Vote: Unanimous

- E.** Consideration and possible vote on an amendment to a previously approved (August 22, 2006) Conditional Use Application for Heron Bay Partners, LLC, Assessor's Map H, Lot 4, zoned I-4, located on Mast Road/Cielo Drive/Grapevine Drive. *(P06-25C)

D. Trefethen announced that he has a conflict of interest with this case and has recused himself.

Attorney Schulte represented the applicant. This portion of the project on Durham Road was approved with commercial use in the front and residential use to the rear. At the time the conditional



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use permit was granted several years ago the approval was for 63 manufactured housing units, which was something less than the total density would have allowed at the time. At this point 11 or 12 units have been built, and 10 have been sold, the clubhouse has been erected, work is progressing in the inside and the work will be completed by the end of August. The proposal tonight is requesting a conditional use permit be amended to allow us to become before you with a site plan which would have detailed information to proceed to the next step. You can ask all the density questions, parking, road widths, lighting all of those things at that time. This is just a preliminary step to allow us to proceed. He stated that the plan shown shows the buildings that are highlighted; they are buildings that are done or partially completed. We propose to keep 45 of the original designed detached units, we are proposing to add another 27 units, instead of being configured as separate units they will be ether duplexes or triplexes. They will be single story structures, with a parting wall. They would share parking areas. This would change the price level for the product. Some folks who would like to live in this community can't afford the level that we charge for the detached units so the pricing would be somewhat different. Across the street we are proposing constructing two congregate care buildings, each would have 36 units in them. These would be a similar configuration to the one on Dover Point Road but would be four stories instead of three stories. Under the zoning for this particular overlay district the congregate care unit's count as commercial development. The request tonight is to approve the amendment to allow us to proceed with this concept so they can develop a plan to come back before the Board for review. In terms of the project so far for the road has a base coat paved to the first corner, which was the first phase of the project. The finished coat is planned up through past the clubhouse and the clubhouse parking area and past unit 8 and that will be completed shortly. We are holding off on installing the finished coat for the rest of it because there is some heavy construction involved in excavating and pouring the foundations for these structures and you don't want to have a finished coat for this process. We will be finishing the road as we build and sell homes. When the units were being sold to the buyers we told them when we have 12 units sold the clubhouse would be finished. At this time we have 10 units built and will reach our goal ahead of time. The road that has been built meets or exceeds the City standards. Attorney Schulte said he has several copies of letters that are signed by the people who own homes in the subdivision, except for the folks that are still in Florida. He continued to read a couple of the letters, which state that they are not opposed to the changes. He submitted the letters to the members.

D.Andolina said when this is all done will it still be a restricted development of 55+. Attorney Schulte said yes. This is a manufactured housing park and the people buy their homes and lease the land.

L.Merullo confirmed with Attorney Schulte that Timothy Lindsey originally had concerns about the clubhouse, but now he seems to be okay with this plan at this time. She asked that when the people did buy in the area were they aware a congregate care facility would be here. Attorney Schulte said no, they were told that the lease that they sign provides that the landlord/developer has the option to make modifications and change the rules in the park. We were not the parties who obtained these approvals, originally a company called VC Dover did and they developed the front part and sold the project to my clients who bought it with the approvals, so at the time we did not contemplate this as a possibility.

P.Plummer questioned the lighting. Attorney Schulte said that the lights are all up. P.Plummer said he did receive concerns about the road and the Fire Inspector was sent out and she measured the road.



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She met with the City Engineering Inspection person out there and they measured it together. He stated that he did get in writing that the road does meet the width requirements.

C.Parker noted that he submitted copies of the letter from the City Engineer verifying that the roadway has been constructed and that there is monies surety bond set aside for the infrastructure improvements that are outstanding.

G.Green said he is familiar with the property and this looks like a major change to me, not an amendment. How will the assessment of the additional fees be handled?

C.Parker said this is step one of a step two process. The overlay district requires a conditional use permit and then final approval of a site or subdivision plan. If this conditional use permit is amended it will come back with a fully engineered site plan. As part of that, we will deal with that with a site plan, amendments etc. When it comes to impact fees, we look at the net increase; we would go through the process and deal with it at the time of final proposal. The fees would be at the rate in place of the time of the application.

L.Skinner confirmed with Attorney Schulte that congregate care is not a nursing home, not assisted living, there is no nursing care provided. There are requirements for common facilities for social events. Attorney Schulte said that there is a requirement for providing food service. This is separate living units with kitchens but some manner of food service available, which could be on-site cooking or food service brought in from the outside.

M.Gasses noted that she frequents the area and is concerned with the proposal of the four story building and the visual impact it will have in that general area. Attorney Schulte said the buildings will be on the lower part of the property.

G.Green questioned the detention basin on the plan. Attorney Schulte said he believes it would change. G.Green asked if they plan on looking at pervious surface. Attorney Schulte said it would be unlikely because one of the issues with the pervious pavement is that it makes it very difficult to do phasing because it is not sturdy enough to uphold to the heavy traffic that you have when you are doing substantial construction.

The Chair said we are $\frac{3}{4}$ way through a very intensive investigation of pervious surfaces and this will be something that will be discussed further.

L. Merullo asked about the approved plans from 2006, she stated that she would have liked to had seen the difference. C.Parker said we have quite the file in the office if you would like to come in and look at them. Attorney Schulte proceeded to explain the plan and where the units would be located.

F.Torr made the motion to accept the application. L.Skinner seconded the application.

Vote: Unanimous.

The Chair opened the public hearing.



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Edward Blier, 28 Isaac Lucas Circle noted that the City has an \$850,000.00 shortfall and the City is owed about 2.89 million dollars. If anybody owes the City money they shouldn't be able to get permits for anything. They may be paid today but were not on the ninth of March. The second thing is rain tax to fall on the Granite State, we have one huge bill coming for run off so that when you start approving these developments you better do something about one big retention pond so that we don't get ourselves in a problem where the tax payers have to pay more than they should because of the run off on this property. You said the road was acceptable, it meets the code. I think it is a dangerous road and something should be done to change the road. In future developments somebody should say that they should widen those roads.

Robert Cruess, VC Dover Investment, stated that they are the original developers of the project and own the front retail part. He submitted the overall plan for the members to view. This was considered from day one to be a mixed development. The Hannaford's was there before any of the housing. That was one of the requirements of the conditional use permit that we had to build a certain amount of the retail before we could proceed with the housing. He explained different interested parties where the deals did not go through. We subsequently sold the back part to the Paolini's. We do support this request but this was a very complicated project, the conditional use permit actually runs with the entire property, so it is our position and our lawyer's position that we should have been signatories on the application because it is one permit, similarly the drainage AOT is also one permit. Things can't be done without us working jointly. He added that this site is very sandy which is good from a drainage point of view. I don't believe that people would have to worry about this as far as the rain tax, there may be other places but this may not be one of them. R.Cruess went on to discuss pervious pavement. We support this, but with the conditions that VC Dover Investment be brought on board and be part of the application. We strongly support the building mix, it is something we wanted originally but the market was not there at the time. Overall it is good for the development and encourages the mixed use that we envisioned.

David Scott, 220 Back Road said his comments not only pertain to this project but all future projects. He thinks it would be useful for the planning board to include in future projects a projected cash flow along with an analysis of the financing and ability of the developers to complete their projects.

C.Parker stated that we did make an amendment two years ago to do exactly what Mr. Scott asked for; we now require a fiscal analysis for any project that is ten units or more.

Margaret Trefethen 9 Danielle Lane stated that she is in support of this change and is a prospective person looking to live there. I do have some friends that currently live in this development and they are pleased with what is going on. The prospective plan is a very well thought out plan. This facility would help with the different steps that people would need to take as they get older. I support this change.

Richard Proulx, Vice President of Pruven Aggregates Inc., stated that he is not against this. One thing that we would like you to keep in the back of your minds is that when this project was originally logged it was over cut along Mast Road. We would like you to consider having that reforested. This will also help with the meeting for the gravel pits that is coming up. We are in the process of going from a gravel operation to a water bottling facility and this will prevent issues coming up in the future.



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The Chair closed the public hearing.

Attorney Schulte noted that the tax bill has been paid in full by the developer and we understand that we need to have a joint application with VC Dover and we have started meeting with them and expect that will happen and anticipated that it would be a condition of approval.

C.Parker stated that the development of the ordinance was a long process. We encourage mixed use types. The amendment fits the intent of the ordinance.

The Planning Department recommends that the Conditional Use Permit for the amended concept be approved with the following conditions:

1. Supply the Planning Department with a written confirmation that all parties named in the original CUP have agreed and are supportive of the change to the permit.
2. Supply the Planning Department with a written update of the Developers Agreement signed by parties delineating responsibilities for work to be completed and percentages of land use. Said amended agreement shall be recorded at the Strafford County Registry of deeds.

The Chair stated that he had a couple of people contact him about this project and are concerned. How many more people are we going to add with the congregate care units and how many with respect to the residential and Attorney Schulte calculated somewhere between 81 and 162 additional people. The Chair also questioned the increased traffic. C.Parker said the next step would be an engineered site plan and we would require that the previous traffic study be reviewed and amended as needed. We recognize the increases will need to be dealt with, and we talked about that with the developer as well, the density will affect the traffic study. Some of the other uses in this development will cut down on the traffic.

Discussion ensued regarding similar congregate care facilities in Dover. Attorney Schulte showed a concept of the facility.

M.Gasses said she is not opposed to this or the idea but has a comment. I believe congregate care is an apartment complex and we call an apartment complex residential. When we make our calculations I think a congregate care facility that has separate kitchens is a residential facility and should consider it that way in our zoning. C.Parker said he has been meeting with John Hopkins from Watson and Bellamy Fields about the congregate care, nursing home, assisted living quandary. It has been almost twenty years since we have looked at these definitions. I am proposing cleansing of the elderly type housing styles into two definitions.

P. Plummer commented and said he received a couple of phone calls regarding this project and thanked the developers for squaring any concerns that the concerned people had and explaining to them what was going on because they had some misconceptions and obviously they have alleviated their concerns as they are not here in opposition. He asked how many cars you can park in the driveway at this time. Attorney Schulte said most of the units have two car garages.



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D.Andolina commented that he has been to Maple Suites and none of the units have kitchens they have a common kitchen area.

G.Green noted that he will support this tonight only because it will come back before the Board as a formal plan.

The Chair added that we have to change as a Board as the populous in the community changes and we have to be prepared to take actions and taking a good look. He stated that he is thinking of starting up a subcommittee regarding the congregate care, nursing home, etc. The area of one concern is can it handle the density?

D.Andolina made the motion to approve with the conditions recommended by the Planning Department. L.Merullo seconded. **Vote:** Unanimous

- F. Consideration and possible vote on two amendments to a previously approved (July 22, 2008) Site Plan and Conditional Use Application for Paolini Brothers Development LLC, Assessor's Map K, Lot 20, zoned B-3, located at 54 Dover Point Road. *(P08-15A)

This item will not be heard this evening.

5. STAFF COMMENTS

C.Parker explained the zoning time line. A majority of the items been reviewed. Chapter 170 needs to go before Council. We have to send out a City wide letter for zoning changes and this would have to be completed before July 1, 2010. He explained the list submitted. He suggested the following meetings to be held. Hold a regular meeting on May 11, 2010. May 25, 2010 is the gravel pit meeting and there are a few items that we have received that don't need to be thrown in with the gravel pits including the two items that were not heard tonight. On May 11, 2010 workshop at 6:00 pm to review the long recommendations, which again are the personal service establishment and the conditional use to allow small non residential uses to be located in existing residential neighborhoods. A workshop on May 25, 2010 at 6:00 pm and on June 8, 2010 another workshop to review all of the recommendations and go through the whole list. If you were comfortable after the workshop we would post those items to the public and then go through the process of notifying the public. June 22, 2010 have a public information session only. July 13, 2010 a public hearing and on July 27, 2010 we would have a subsequent public hearing and potentially vote to recommend to the council.

C.Parker announced the awards that were recently received. He showed Plan NH Award and the "project of the year" award from the NH Planners Association, and by winning that one we automatically got forwarded into a regional competition.

C.Parker added that unfortunately due to budget constraints and as part of the Manager's proposed budget to the Council, Steve Bird has been laid off. He is doing some final work for us and wrapping up a few things. Steve is a great asset to this community and to me. I don't think we would have won these two awards if it were not for him because I was able to focus on the form based code and he was doing other things that I was not able to do. Additionally he has been part of the reason why we are proactive; we could not have done 42 zoning amendments last year. We are essentially going back to 1986 staffing



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level and as such we have to make some transitional cuts in the services we provide and the projects and type of work we provide the City. I am not going to sacrifice quality, so I will sacrifice quantity. We are looking to combine two planner positions into one. We will not be able to do proactive planning. I see us getting back to the core of plan review and zoning. As the Board knows the Planning Department has been cut in the past four years. We have lost staff and resources. At this point some services that we provide will change, we have already posted a sign stating that we have walk in hours from 8 am to 11 am, after that time you would have to make an appointment. My goal is not to become an adequate department, my goal is to continue a high level of award winning work that we provide and if it means that we have to do that providing less work then that is the consequence of the actions. We want to continue to be an award winning department.

The Chair added that he will receive a phone call from a citizen who will have a question for him at least two to four times a week. I pick up the phone and call S.Bird. The institutional knowledge that this man has and he has all the answers and the right answers. His dedication of the job is over and above and has been astounding through the years. Planning by its very nature is proactive. Losing S.Bird will not allow the community to do what it is supposed to do. If you don't know where you are going you are not going to get there and putting us in the position of us not having a valuable employee such as that is inconceivable.

M.Gasses added that S.Bird has been with the open lands committee since its inception and the amount of acreage and wonderful open space that we have conserved in Dover is greatly due to the efforts of S.Bird and how he has worked so hard with the volunteers. 700 acres that have been conserved with Steve's assistance not to mention over five million dollars in either grant money or outside funding that we received because of Steve's efforts and him being here to help us through grant processes and the federal red tape. Right know the open lands committee is really trying to get grips on the fact on how we can continue our efforts to conserve the best of Dover and go forward from here. She added that for the last three or four years the amount of projects we have done, we are leaders in the State of New Hampshire and looked upon as models for the rest of the State in the amount of land conservation that happened here and when you think of the acreage that Dover has, it has been substantial. We are going to be in a hurting situation without his assistance.

6. COMMITTEE REPORTS

L.Merullo stated that she has been the Chair of a subcommittee regarding pervious surface. She stated that L.Skinner and G.Green have been meeting with her every Monday and they have done an incredible amount of work in a short amount of time. We are very close to ending and hope to have a workshop and make a presentation to the Planning Board.

F.Torr noted that the Waterfront Committee met last evening. He read the motion that was made last night regarding the pedestrian bridge. The motion was "that since no viable or acceptable alternative for the relocation of the pedestrian bridge is emerged the CWDAC recommends that the bridge be located to a temporary site on City property until such time as other options may present themselves or may be investigated". He added that the Young Street site was not acceptable to the developer. F.Torr mentioned that S.Bird worked long and hard on the CWDAC and did an excellent job. One question that came up was relative to the Washington Street Bridge, the implementation of the transportation, as you know as part of the bridge going in they are supposed to restructure the transportation system within the City.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

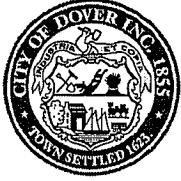
Meeting Type: Regular Meeting
Meeting Location: Council Chambers
Meeting Date: Tuesday, April 27, 2010
Meeting Time: 7:00 pm

C.Parker said in discussion with the City Manager the two way traffic will be looked at in the CIP at some point. Discussion ensued regarding the bridge.

D.Andolina said that good planning is vital to any project and to any organization. S.Bird will definitely be missed. He has been in so many projects over the seven or eight years that I have been on this Board and he has been invaluable. Most of these projects that we have been working on including the Master Plan and others, they would have not come to fruition if it were not for S.Bird, and we need him.

7. ADJOURNMENT

D.Andolina made the motion to adjourn at 9:31PM. G.Green seconded. **Vote:** Unanimous.



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P10-21

Application Type: Conditional Use Permit
Applicant: Gary & Carol Allen
Owner: Gary & Carol Allen
Location: 163 Tolend Road (Assessor's Map E, Lot 49A)

INTENT: To obtain a Conditional Use Permit to construct a driveway within the Wetland Protection District and Conservation District.

LOTS/UNITS PROPOSED: 0 lots

AGENDA ITEM #: 4A

FILE: P10-21

APPLICANT(S): Gary & Carol Allen

OWNER(S): Gary & Carol Allen

LOCATION: 163 Tolend Road
(Assessor's Map E, Lot 49A)

ACREAGE: 17.94 acres

ZONING DISTRICT: R-40

EXISTING LAND USE:
Vacant parcel

PROPOSED LAND USE: Single Family home, with a driveway that has over 4,000 square feet of paving.

SURROUNDING LAND USE:
Single Family residential

ZBA ACTION: None

ATTACHMENTS:
Conditional Use Permit Plan

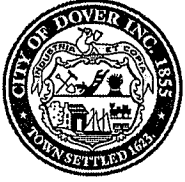
PERMITS REQUIRED:

- NHDES Wetlands Permit
- City of Dover Conditional Use Permit

WAIVERS REQUESTED: None

The applicant has submitted a set of plans for review. The applicant wishes to construct a driveway off of Pacific Drive to the vacant house lot. The driveway would be within the Wetland Protection District and Conservation District. The applicant proposes 2,283 square feet of wetland impact. The applicant has not been before the Conservation Commission for their recommendation as yet. The applicant is scheduled for the Conservation Commission on April 26, 2010. There is an open Code Enforcement violation issue and a possible DES violation issue regarding Horne Brook on this property. Staff are researching whether the violation has been mitigated and the violation actions closed or not by calling the applicant's engineer and the NH DES. Neither has returned the call as of Thursday, April 22, 2010. The City violation remains open.

The Planning Department recommends that the Planning Board accept the application, open the public hearing, then recess the hearing, and table the item in order to allow staff to work with the applicant to develop a site plan application.



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P08-15A

Application Type: Amendment to Approved Site Plan & Conditional Use Permit
Applicant: Paolini Brothers Development LLC
Owner: Paolini Brothers Development LLC
Location: 54 Dover Point Road (Assessor's Map K, Lot 20)

INTENT: Consideration and possible vote on an amendment to a Site Plan project in the Thoroughfare Business district.

LOTS/UNITS PROPOSED: No Change

AGENDA ITEM #: 4B

FILE: P08-15A

APPLICANT(S): Paolini Brothers Development, LLC

OWNER(S): Paolini Brothers Development, LLC

LOCATION: 54 Dover Point Road
(Assessors Map K, Lot 20)

ACREAGE: 1.58 acres

ZONING DISTRICT: Thoroughfare Business (B-3) District

EXISTING LAND USE: 12 Single Family attached homes and commercial/retail

PROPOSED LAND USE: 12 Single Family attached homes and commercial/retail

SURROUNDING LAND USE: Single Family residential, retail store, mobile homes

ZBA ACTION: Special Exception granted in 2007

ATTACHMENTS: Mixed Use Development Plan

PERMITS REQUIRED:
None

WAIVERS REQUESTED:
None

The Planning Board conditionally approved the Site Plan in 2008. The plan includes 10 attached single family homes behind a mixed use structure with commercial on the first floor and residential above. The project included pervious surfaces on the parking areas. The applicant would like to remove the pervious surface, use conventional pavement types and amend the drainage by employing infiltration devices located throughout the site. Additionally, they would like to revise the exit radius at the curb cut from 22 ft. to 15 ft. in order to avoid having to pay for moving utilities. The Planning Board is being asked to approve the amended plan.

The Planning Department recommends that the request to not use pervious pavement be approved, and that the request to reduce the curb radius be approved with the condition that the NH DOT District 6 Engineer also review and approve the change, and that the approval is so noted on the amended plan.

Finally, the Department recommends that the plan be amended to include the relocation of the units from atop the commercial structure, and placed with the other residential units off Centennial Drive.



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P10-24

Application Type: Driveway Waiver
Applicant: MPJ Development LLC
Owner: MPJ Development LLC
Location: 38 Nye Lane (Assessor's Map 49, Lot 8)

INTENT: To obtain a driveway waiver from the Board to allow for a second curb cut for additional parking.

LOTS/UNITS PROPOSED: 0 lots

AGENDA ITEM #: 4C

FILE: P10-24

APPLICANT(S): MPJ Development LLC

OWNER(S): MPJ Development LLC

LOCATION: 38 Nye Lane
(Assessor's Map 49, Lot 8)

ACREAGE: 12.5 acres

ZONING DISTRICT: R-20

EXISTING LAND USE: Single Family

PROPOSED LAND USE: N/A

SURROUNDING LAND USE: Single Family

ZONING HISTORY: Zoned R-20 in 1979

ZBA ACTION: None

ATTACHMENTS: plan

PERMITS REQUIRED:

- None

WAIVERS REQUESTED: Driveway Waiver

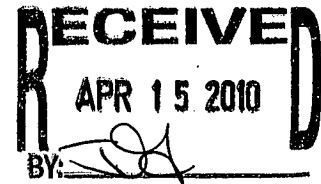
The applicant has submitted a narrative justification asking for a Driveway Waiver to allow the use of a second curb cut off the cul-de-sac bulb for an additional parking area off the street. Part of the second parking area is located within the right-of way. The area has been constructed, but the owner has followed the conditions in the driveway permit that require non-use of the parking area until a waiver is reviewed/approved.

The Planning Department recommends that the waiver not be issued. Concerns are that no hardship has been demonstrated, and that this curb cut should have been removed when the driveway was reconfigured. Additionally, staff has concerns regarding snow removal as there is an easement over this and adjoining properties which may limit snow storage areas as the development is completed. Finally, staff has concerns about encouraging parking within the Right of Way where no parking is allowed on the south side of the street in this subdivision.

P10-24

Dover Planning
288 Central AVE
Dover NH 03820

April 15, 2010



Attn: Chris Parker

RE: Pacific Landing Lot 8 - 38 Nye Lane

Owner : MPJ Development LLC
Po box 69
Strafford NH 03884

We are requesting that the planning board reconsider the current conditions of our driveway permit.

The following have been given as reasons why we could not have the existing curb cut remain.

- Dover only allows one driveway per lot
- The cut being removed would allow more room for snow removal
- Cars that would park here would be in the city right of way (due to the length of the drive 20')

Our argument would be as follows

- We are only asking for one curb cut for this lot (the cut originally approved)The fact that we have an easement over someone else's lot for access should not be an issue.
- The cut was an approved cut from the beginning. Snow removal for the past two years has been a non issue and we have kept this cut open for access.
- Cars in anyone's driveway encroach on the city right away. This is their property the city just has a right of way. I am not aware of any rule that does not allow people to park with in the right away.
- Further keeping the third cut and drive will allow for the owners to keep cars off the street and circle. As most people will take advantage parking on the street.

Please see the following conditions as outlined in our current permit. I believe the city engineer has referenced this as the formal rejection.

Also we own each of the adjacent lots so I will waive the formal certified mail if that is ok.

Sincerely,



Dover: First in NH, First With You!

CITY OF DOVER

CITY ENGINEER
288 CENTRAL AVE.
DOVER, NH 03820
(603) 516-6450

DRIVEWAY PERMIT

DATE: December 7, 2009

PERMIT NO. 2009-083

LOCATION ADDRESS: 38 Nye Lane

OWNER: MPJ Development

Pursuant to City of Dover, NH Code, (Chapter 92), the conditions below, and the submitted approved plan, permission is granted to: Construct a driveway at the above address.

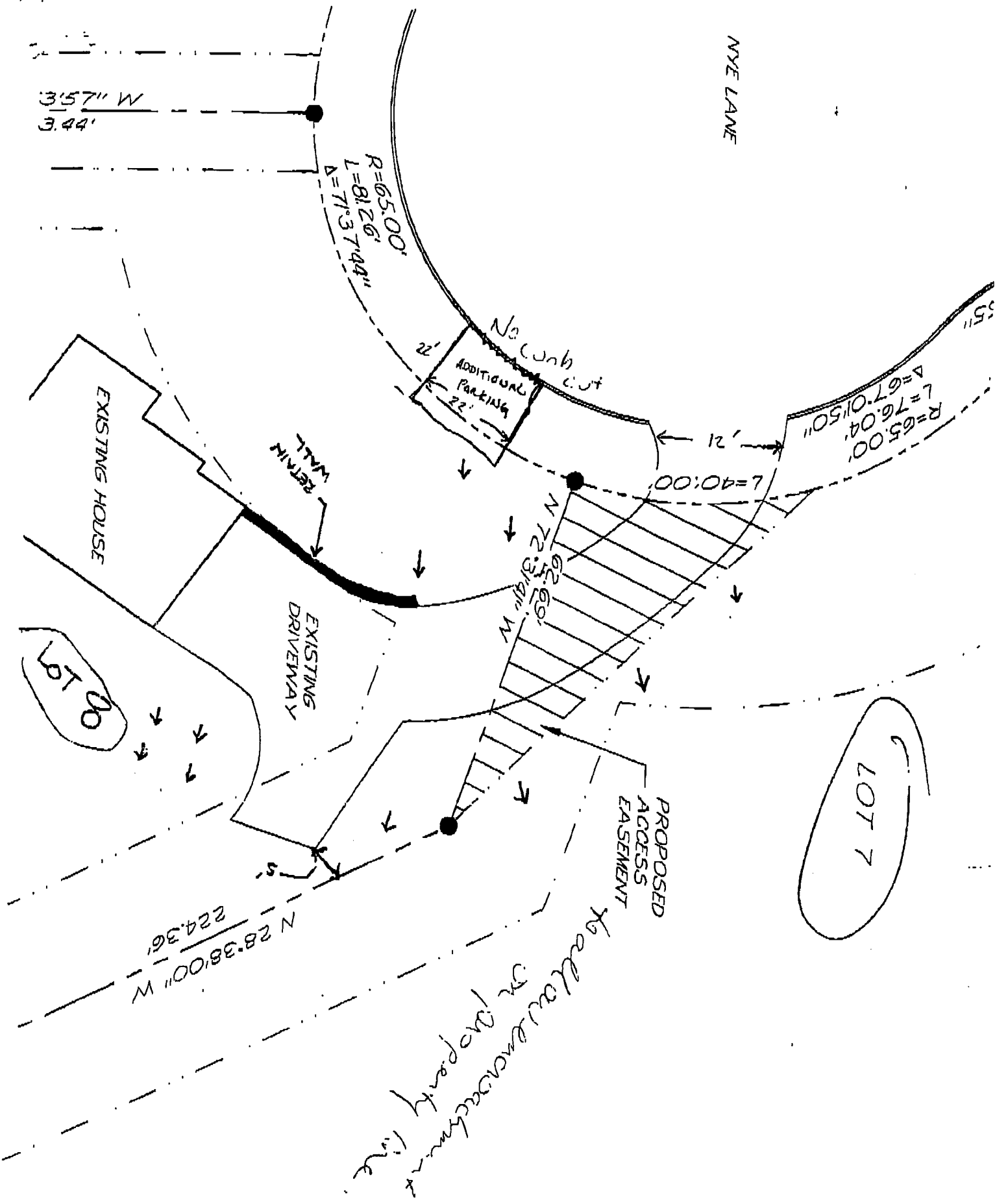
CONDITIONS:

1. A company licensed with the City of Dover, shall perform all paving work for approved applications.
2. Facilities constructed in violation of these conditions shall be corrected immediately upon notification by a representative of the Community Services Department. All costs of making any necessary changes or improvements shall be fully borne by the applicant.
3. The Contractor/Paving Company is required to contact the Engineering Division prior to starting the actual work.
4. Dig Safe must be contacted prior to any excavation.
5. Approved per submitted plan (enclosed).
6. Additional requirements:
 - Second driveway/parking area, in the City right-of-way, must be removed; loamed and seeded.
 - The applicant has indicated he will pursue a waiver from the Planning Board to allow the second driveway/parking area in the City right-of-way but until that waiver is granted, the driveway/parking area must not be used and must be blocked with an asphalt berm or pile of loam. If the applicant has not received a waiver by April 15, 2010 the applicant shall install curb and loam the area. If the area is not restored by May 1, 2010 the City may utilize funds out of the maintenance deposit, deny a C.O. or revoke the C.O.

RECEIVED AUTHORIZED SIGNATURE:

DEC 10 2009

WHITCHER BUILDERS



Doc# 0019824 Dec 4, 2009 9:14 AM
Book 3796 Page 0298 Page 1 of 2
Register of Deeds, Strafford County

DECLARATION OF DRIVEWAY EASEMENT

WHEREAS, MPJ Development, LLC is owner-developer of a parcel of land situate off Upper Factory Road in Dover, Strafford County, New Hampshire known as Pacific Landing as more particularly described on Plan entitled "Subdivision Plan Pacific Landing, Upper Factory Road, Dover, N.H." dated December 23, 2005 by Trittech Engineering and recorded as Map 89-34, Strafford County Registry of Deeds; and

WHEREAS, Lots 49-7 and 49-8 on the Plan will share a common driveway for access to dwellings constructed or to be constructed on said lots; and

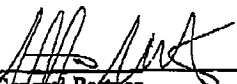
WHEREAS, the owner-developer wishes to memorialize the rights and obligations of the owners of each lot;

NOW THEREFORE, the owner-developer hereby declares that any conveyance of Lot 49-7 and Lot 49-8 shall be subject to the following:

1. Lot 49-7 shall be subject to a driveway easement 40' wide extending in, over and across the southwesterly corner of the lot as shown on said Plan in favor of the owner(s) of Lot 49-8.
2. Lot 49-8 shall be conveyed together with a driveway easement 40' wide extending in, over and across the southwesterly corner of Lot 49-7.
3. The owner of Lot 49-7 and the owner of Lot 49-8 shall share equally in the cost of maintaining the driveway including all repairs, replacement and plowing expenses.

EXECUTED this 31 day of November 2009.

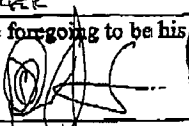
MPJ DEVELOPMENT, LLC

By: 
General Partner MICHAEL WHITNER

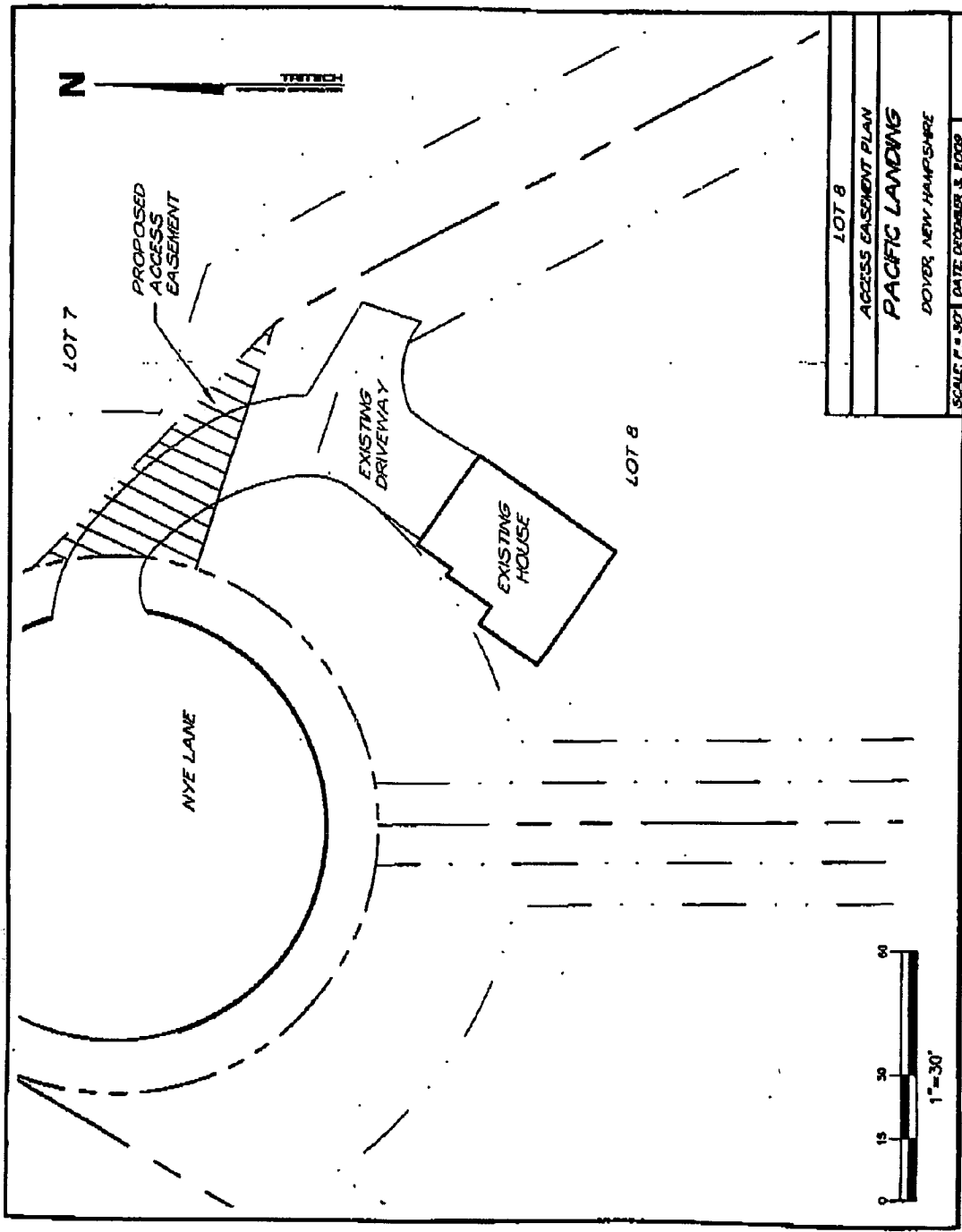
STATE OF NEW HAMPSHIRE

COUNTY OF STRAFFORD

Personally appeared Michael Whitner
Partner of MPJ Development, LLC and acknowledge the foregoing to be his


Notary Public
My Commission Expires: April 8, 2010





EXHIBIT

