



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
 Meeting Location: Council Chambers – 288 Central Avenue Dover NH 03820
 Meeting Date: **Tuesday, December 21, 2010**
 Meeting Time: **7:00 pm**

Members Present: Ron Cole (Chair), Frank Torr (Vice Chair), Dean Trefethen, Don Andolina, Linda Merullo, John Swartzendruber, Marcia Gasses, Tom Clark, Dave White, Lee Skinner (Alternate), Gary Green (Alternate),

Members Not Present: Jake Forget (Alternate)

Staff Present: Christopher Parker (Planning Director), Rick Jones (Community Development Coordinator) Lisa Ertle (Recording Secretary)

The Chair called the meeting to order at 7:00 pm.

1. CITIZENS' FORUM

The Chair opened the Citizen's Forum.

Mark Jones discussed some concerns that he did not get to address at the December 7, 2010 meeting, which were included in a petition that was submitted to the Planning Department. (Copy in File) The concerns are: the abutting zones to his property, the multi-units surrounding his property, conforming/non-conforming lots, and concerns of the petitioner's actions.

Peggy Jalbert, owner of 10 Arch Street, stated that she is in favor of the petition She discussed her thoughts of the roles of the appointed Board members, and asked take into consideration the concerns of the citizens.

Henry Brandt, owner of 40 Arch Street, and affiliated with Salmon Falls Holding (the property owners of 46/48 Arch Street). He spoke in opposition of the Arch Street petition. He addressed the petitioners concerns and the proposal for the property he owns. (Copy in File)

The Chair closed the Citizen's Forum.

2. APPROVAL OF THE PRIOR MINUTES

- December 7, 2010 Regular Meeting Minutes

Motion: F.Torr motioned to approve the December 7, 2010 minutes. D.Andolina seconded. M.Gasses noted an error on page 3. Vote: Unanimous Approval.

3. OLD BUSINESS

- A. Consideration and possible vote on a Citizen Petition for an amendment to the Zoning Ordinance (Chapter 170) to rezone 30 acres adjacent to Arch Street from Urban Density Multi-residential (RM-U) to Medium-Density Residential (R-12) and 3 acres of Map 11, Lot 2 from RM-U to Thoroughfare Business (B-3). The full text of the amendment and a map are available in the Planning Department and at www.dover.nh.gov located under City Documents & View Current City Reports.

F.Torr recused himself in potential of a conflict in interest. G.Green sat in for F.Torr.

Motion: T.Clark motioned to remove this item from the table. D.White seconded. Vote: Unanimous Approval.

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The Chair stated they will be taking a five minute recess for the Board members to peruse documents regarding the petition.

The Chair called the recess at 7:20 pm, resumed at 7:25 pm.

The Chair noted the public hearing was closed at the public hearing held at the December 7, 2010 meeting.

C.Parker discussed a brief timeline of the Arch Street petition. He discussed the action that would follow if the petition was adopted by the Planning Board and the supporting factors from the City Attorney. He noted the State RSA, which places the City Officials on the Board, and feels there is no conflict of interest.

The Chair noted that M.Gasses and D.Trefethen were appointed as a sub committee, at the December 7, 2010 meeting, to look into the potential of redrawing the lines. M.Gasses discussed the correspondence that was discussed with C.Parker in regards to possibility of redrawing the zoning line. In the end result she is in support of the rezoning and feels this will be a good thing for the community. The Chair and M.Gasses noted that no citizens came forward to inquire about the redrawing of the zoning boundary.

D.Trefethen noted that he will be voting in favor of the rezoning. He feels the common statement from the people is they would like the neighborhood to stay the way it is. There are no plans before the Planning Board, and he feels this is the right to make a decision on this. He discussed his supporting factors from the “Findings” written in the Notice of Decision letter for the Arch Street petition, prepared by the Planning Directory. (Copy on file)

L.Merullo asked M.Gasses if she feels the current zoning lines are appropriate. M.Gasses noted she feels this is fitting with the current development.

Motion: The Dover Planning Board makes the findings contained in this decision and approves the petitioners request to zone the area as described from Urban Density Multi-Residential (RM-U) to Medium Density Residential (R-12). Furthermore, the Dover Planning Board approved the petitioners request to zone the area as described from Urban Density Multi-Residential (RM-U) to thoroughfare Business (B-3), and forwards both to the City Council for ratification consistent with the amendment procedure outlined in Chapter 170 Section 53 of the Dover City Code. D.Trefethen moved to recommend this approval to the City Council. G.Green seconded. Vote: Unanimous approval.

F.Torr took his seat. G.Green stepped down.

- B. Consideration and vote on proposed Capital Improvements Program (CIP) FY 2012 – FY 2017. The CIP can be found on the City Web Site at www.dover.nh.gov under Online City Archives - Financial Information.

C.Parker noted a Public Hearing for the CIP was held at the November 16, 2010 PB meeting. At the December 7, 2010 Planning Board Meeting the Board Members spoke with representatives from the Recreation and School departments. The Board members were asked at that time to hold off on voting to allow time to review the CIP changes. He encouraged the Planning Board members to make

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recommendations to the City Council; any recommendations should reflect the Master Plan from the Planning portion.

The Chair noted this is a fluid document.

D.Trefethen concurred with the Chair’s statement. He noted the City Council will have a Workshop, after the first of the year, where they will hold another Public Hearing for the CIP. There may be more changes at this meeting, and recommends the Board to look at this from a planning view point.

L.Merullo and C.Parker clarified that a parking deck, proposed for School Street, is an additional level of parking space on top of the existing parking lot. It was noted the funds is coming out of the Parking Funds, under the Special Revenue, not the taxpayer funds.

L.Merullo discussed her concerns with the funding for the Jenny Thompson pool. C.Parker clarified the use for Capital Reserve Fund.

L.Merullo discussed her concern with the proposed light to be installed on Long Hill Road. She would like to recommend taking this fund out of the budget due to the unnecessary need for a traffic light. She would like to recommend everything else and hopes they approve the CIP. C.Parker described the role of the Transportation Advisory Committee (TAC), including their public hearing which is held to discuss area of traffic concern. L.Merullo and C.Parker confirmed the light would need a traffic analysis before installation. M.Gasses concurred with L.Merullo statement of the proposed traffic light.

The Chair discussed the impacts that may take place with the work involved with the School Department renovations. In the spring a committee will be started to look into action needed for renovations, including funding. The Chair noted he is comfortable with the funds for the school department.

Motion: D.Andolina moved to recommend this to the City Council as presented to the Planning Board. M.Gasses. Vote: Unanimous approval.

4. NEW BUSINESS

- A. Public Hearing, per Chapter 155-24, for consideration of a request for a 2nd one-year time extension for completion of required improvements and a request to amend conditions of approval for the Cornerstone Crossing Subdivision (Cornerstone Dr. & Meeting House Way), off of County Farm Cross Road, by Tay Tav Partnership, LLC, Assessor’s Map B, Lots 18, 26-34, 39-47, zoned R-40. (P05-13) (18 lots)

C.Parker noted this project is in Phase 3 of a larger project. He discussed the time line of approved projects and plans from the Planning Board. The Planning Department is working with the applicants on their conditions of approval. The applicant has submitted a request for a second extension and to amend the conditions of approval related to four items:

1. To change the method of marking wetlands from granite bounds to metal signs on wooden stakes.
2. To amend note #20 on sheet #A2 to allow the applicant to pay an agreed upon amount of money to the homeowners association in lieu of paving existing streets.
3. To eliminate note #24 on sheet A2 which required a drainage swale on lot #47.

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4. To eliminate the 30-foot wide utility easement through the open space.

D.Trefethen and C.Parker discussed the change from granite bounds to metal signs on wooden stakes. D.Trefethen feels that we need to think of long term use for the markers.

D.Trefethen and C.Parker clarified that these streets are private, and the re-paving will be done when construction is finished. A letter of credit that will be issued that will give assurance that as soon as paving can be done it will be which will complete Phase 3 of the project.

Discussion ensued on the markers that need to be used to delineate wetlands.

G.Green and C.Parker discussed the amount proposed for re-paving. C.Parker noted the concerns that were brought up from the homeowner's/existing abutters. The applicant would rather give money to the homeowners to pave it. The City is agreeable to let the two private parties to work this out. C.Parker noted he has suggested the applicant to come for a meeting on January 11, 2010, after their homeowner's association, to reconsider this proposal.

Public Hearing Opened-Nobody Spoke-Public Hearing Closed

C.Parker noted the Planning Department recommends that the previously approved subdivision be amended with the following conditions:

Conditions to Be Met Prior to Release of Surety to Applicant:

1. The original Planning Board conditions of approval from April 12, 2005 remain in place, as applicable.
2. The applicant shall return to the Planning Board on January 11, 2011 with an agreed upon amount of money to the homeowner's association in lieu of paving existing streets, or agree to pave Nicholas Circle and Cornerstone Drive.
3. The applicant shall eliminate the swale on lot #47 with the understanding that when site work is complete all water drainage will be routed into the required drainage area.
4. The requirement for the 30-foot wide utility easement through the open space is eliminated.
5. The project approval is extended until July 28, 2011.

D.White and C.Parker discussed what types of markers are required for marking wetland boundary lines.

Motion: L.Merullo approved with staff recommendations. D.Andolina seconded. Vote: Unanimous approval.

- B. Public Hearing to solicit comments on any impacts to historic resources related to the proposed demolition of a single family dwelling located at 28 Union Street, Map 20, Lot 88, zoned RM-U, to create additional parking spaces (approximately 10) for the Dover Housing Authority.

C.Parker discussed this Public Hearing is a formality in collaboration with the Dover Housing Authority (DHA). He noted that an email correspondence, from Steven and Kathleen Hall of 113 Court Street, has been received and is written support of removing the building.

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Public Hearing Opened

Dennis Sullivan, of 30 Union Street, noted he has no objection to the building coming down. He asked for the setbacks in case a parking lot is constructed. C.Parker stated that if the DHA wanted to build a parking lot they would have to come back before the Planning Board for approval, and the setback is five feet. The Chair noted a Public Hearing would be held if brought back before the Planning Board.

Public Hearing Closed

- C. Consideration and acceptance of a Minor Lot Line Adjustment of land for Edward Hayes (Owner: Woodwind Farms LLC), Assessor’s Map N, Lots 8 and 8-1-10, zoned R-40, located at 287 Gulf Road. (P10-52)
- D. Consideration and acceptance of a Major Subdivision of land for Edward Hayes (Owner: Woodwind Farms LLC), Assessor’s Map N, Lot 8, zoned R-40, located at 287 Gulf Road. (5 lots) (P10-51)

Jim Schulte, Attorney at Law, represented the applicant Edward Hayes. (He asked to speak on both applications, with separate votes for each application. The Chair confirmed Board approval.) He discussed the proposal and reasons they will be sub-dividing the lots. Each of the lots have a sufficient road frontage, however they will be proposing to have a shared driveway. This will eliminate one entrance and decrease the slope of one driveway. They are going to preserve that entrance, and are waiting for a driveway permit from the New Hampshire Department of Environmental Services (NHDES). The other four lots will have driveways off the shared driveway. They are asking for a waiver to allow five lots off a private road. They are also asking for a waiver from the R-40 zone to allow for the treatment of a traditional subdivision rather than an open space subdivision. This will allow each lot to be owned by the individual. The lots will all have wells and septic systems; they are also awaiting recommendations from the New Hampshire Department of Transportation (NHDOT).

The Chair asked for clarification of the shared driveway in regards to the fourth house. J.Schulte stated the existing driveway on lot 4 serves lot 5 and technically provides access to all five lots.

The Chair and J.Schulte noted that Saddle Trail will not be affected by this subdivision.

F.Torr asked J.Schulte for his comments in regards to the concerns of the test pit results. J.Schulte noted the septic system design was sufficient to the lots being big enough and the soil being good enough to accommodate individual systems.

D.Trefethen and J.Schulte discussed the maintenance of the open spaced lots. J.Schulte noted that a homeowner’s association may need to be created to address the concerns with maintenance of grounds.

D.Trefethen noted it may be a state preference to have a single entrance, and asked if there will be a site walk scheduled. C.Parker noted a site walk can be scheduled if it is the consensus of the Board, and noted that the NHDOT did prefer a single entrance.

M.Gasses noted her concerns of the maintenance, and would like to know who will maintain frontage along Gulf Road. J.Schulte noted as a group the homeowner’s will need to take care of the maintenance.



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L.Merullo noted her concern with the existing driveway and wondering if they are proposing to widen this and if there will be a marker indicating this subdivision. Bill Doucet, of Doucet Survey, the entrance is under is under review by the NHDOT whom will give recommendations to the entrance of the driveway. Discussion ensued on the shoulder and the concerns with traffic. L.Merullo noted she would be interested in a site walk.

The Chair noted a Public Hearing will be held for both Agenda Items C and D.

Public Hearing Opened

Richard Conley, of 24 Wisteria Drive, discussed a letter he submitted to the Planning Department on behalf of himself and his neighbor John Bent. (Copy on file) R.Connelley and B.Doucet, of Doucet Survey, discussed the test pits and septic systems.

David Della Penta, of 32 Wisteria Drive, discussed his concerns with of the proposed locations of the septic systems. (Copy of letter and photos on file)

Jeremiah Gage, 74 Saddle Trail Drive, concurred with the statements of the previous statements from abutters. He discussed his concern with traffic safety on Gulf Road, and the concern of this lot line adjustment in regards to the characteristics of an open space subdivision.

The Chair Recessed the Public Hearing.

J.Schulte noted the Lot Line Adjustment will still meet the open space subdivision requirements, the location of the driveways and it's standards will be determined by the NHDOT, and the maintenance will be needed on the property line.

T.Clark and C.Parker clarified this driveway did not come before the Technical Review Committee (TRC).

D.Trefethen noted he agrees that the Planning Board should do a site walk and asked if this proposal can go back to TRC. C.Parker suggested that the Board table this to January 25, to allow time for a TRC meeting and site walk. The Chair asked if the Board would like to do a site walk. C.Parker noted the Planning Department has looked into this waiver for the driveway, and they saw this proposal as a way to reduce safety concerns and issues. F.Torr noted he would like to assurance driveway proposal will go through TRC, and would like to have someone look at the sewer systems and central systems for a better utilization than what is proposed.

The Chair noted he will be asking for a Motion table Items C and Item D at the same time, also noted a Public Hearings for Items C and Items D are both reserved and will be opened at a later date. C.Parker suggested the Board wait until 1/11/2010 (Special Meeting) to set the Site Walk date to allow time to meet with applicant on when the TRC meeting can be scheduled.

Motion: F.Torr motioned to table both applications. L.Merullo seconded. Vote: Unanimous approval.

E. Consideration and possible vote on revised Planning Board Bylaws and Rules.

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D.Trefethen, along with D.Andolina, worked as a committee on revising the Bylaws and Rules. They corresponded with staff, and worked on clarification, language, and consistency with current State law. The main concern that was addressed was the use of alternates at a meeting, and the intent was to clarify the interaction of the alternates during the meeting. If the Bylaw and Rules get passed they will be dated, incorporated and revised.

T.Clark noted a typo error found in the copy the Board members received.

D.Trefethen asked, given the Bylaws and Rules are approved, will be sent to the City Council. C.Parker noted the Planning Board has the jurisdiction to make it's Bylaw and Rules, and mentioned the staff will be submitting this to the other Boards and Committees to show that we have reviewed our Bylaws and Rules.

The Chair and C.Parker clarified that Workshops and Meetings would be considered "Consecutive". Discussion ensued on attendance, it was noted there is no specific regulations that states that a member can be dismissed from the Board.

L.Skinner noted his appreciation of being an alternate on this Board because the amount of involvement he has had. He noted his concern with the Bylaw and Rules, as the role of an Alternate, in correlation to the State Law and the Planning Board Law. D.Andolina noted the Bylaws and Rules have been reviewed by the City Attorney, and feel comfortable with this final document. C.Parker noted as the way the language is written that is not in conflict.

Motion: D.White motioned to approve as submitted by the sub committee. T.Clark seconded. Vote: Unanimous approval.

5. STAFF COMMENTS

C.Parker noted that Alternates will be seated on a rotating basis. C.Parker discussed the changes to the dates for Workshops. They will be meeting on April 6, 2010 for a Joint Committee meeting with the City Council. After the new year he will be looking to sit with the new Chair of the Planning Board and Chair of the Zoning Board of Adjustment (ZBA), to work on a Land Use Summit. He is hoping to have a Land Use Consultant available to give a point of view of the different roles of the Boards.

C.Parker noted he will be attending the next ZBA meeting to go over the amendments that were ratified by the Planning Board to help improve communications.

C.Parker thanked R.Cole in position of Chair of the Planning Board.

C.Parker noted there are two notices of lot mergers. They are 2 property owners who would like to merge their two congruous lots. The Chair recognized these mergers. The deeds will be filed with the appropriate tax authority at Strafford County of merging the lots. The Chair noted the location of the lot is at Tax Map A, Lot 18-B3. The two lots shall not be conveyed as one lot but as two lots.

L.Merullo commended the Chair and C.Parker for their work with her.

6. COMMITTEE REPORTS

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G.Green updated the staff of the last AD-HOC committee meeting. They voted to recommend to the City Council that they adopt a Storm Water Utility.

7. ADJOURNMENT

Motion: D.White motioned to adjourn the meeting at 9:30 pm. T.Clark seconded. Vote: Unanimous approval.