



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue Dover NH 03820
Meeting Date: **Tuesday, February 22, 2011**
Meeting Time: **7:00 pm**

Members Present: Marcia Gasses (Chair), Frank Torr (Vice Chair), Linda Merullo, Tom Clark, Dean Trefethen, Lee Skinner (Alternate), Gary Green (Alternate), Jake Forget (Alternate)

Members Not Present: John Swartzendruber, Dave White, Don Andolina, and Ron Cole

Staff Present: Christopher Parker (Planning Director), Jean Glidden (Recording Secretary), Michele Alexander (Recording Secretary)

The Chair called the meeting to order at 7:00 pm. The Chair announced J.Forget sitting for J.Swartzendruber, G.Green sitting for D.Andolina, and L.Skinner sitting for D.White.

The Chair announced that item 4F located on Pacific Drive to remain on the table.

1. CITIZENS' FORUM

No one spoke.

2. APPROVAL OF THE PRIOR MINUTES

- January 25, 2011 Regular Meeting Minutes.
- February 8, 2011 Workshop Meeting Minutes.

Motion: D.Trefethen motioned to approve the January 25, 2011 Regular Meeting minutes, and February 8, 2011 Workshop minutes. F.Torr seconded. L.Merullo requested clarification on Jan. 25th minutes. C.Parker clarified. Vote: Unanimous Approval (U/A).

3. OLD BUSINESS

- A. Pursuant to NH RSA 674:4 & 675:6, a public hearing on the 2011 Addendum to the Land Use Chapter of the Master Plan focusing on Economic Development. The Addendum is available for viewing on the City's web site under Current Reports.

Public Hearing Open. No one spoke. Public Hearing Closed.

C.Parker noted Board could vote to accept the Addendum at this time.

Motion: Discussion opened by L.Merullo ensued regarding Addendum page 10 "review residential property abutting non-residentially zoned land for inclusion in the adjacent non-residential zone." L.Merullo made a motion to remove the statement from Addendum. L.Skinner seconded the motion. Motion failed 1-7.

Motion: G.Green made a motion to amend the Land Use Chapter by adding the Addendum. F.Torr seconded motion. Vote: U/A

- B. Consideration and acceptance of a Citizen Petition for Joanne Johnson, Assessor's Map H, Lot 2A, to rezone 9.49 acres of land from Hotel/Retail (B-4) and Assembly & Office (I-4) to Rural Residential (R-40), located at 56 Freshet Road. (11-03)

Attorney, Jim Schulte, representing Joanne Johnson, spoke. Two issues raised. 1. Abutter has not responded to requests for feedback on re-zoning. 2. Context of property defined by neighboring Madbury. Attorney requesting public hearing on March 22nd, 2011.



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Motion: G.Green made motion to remove from the table. L.Merrullo seconded. Vote: U/A.

M.Gasses questioned commercial uses. C.Parker provided several examples. L.Skinner suggested further discussion should be held until item has been posted and after the public hearing.

G. Green clarified with Attorney Schulte location as 18 Freshet Road, previously 56 Freshet. Re-numbering by Post Office.

Motion: Motion to post petition to March 22, 2011 meeting by L.Merrullo. L.Skinner seconded. Vote: Motion carries 5/3.

- C. Consideration and possible vote of a request for a 90-day extension for John & Caroline McGlone, Assessor's Map I, Lot 124, zoned R-40, located at 25 Piscataqua Road (P09-16A) (5 lots) previously approved on 8/24/10. (An Administrative 90 day extension was granted on 11/16/10 to expire on 2/24/11).

C.Parker explained that due to relocation needs and other processes in place, the McGlones have not been able to meet all of the conditions of approval. They have asked for a 90 day extension for their project. The Planning Department recommends approval of the 90 day extension.

L.Skinner questioned number of times extension has been granted and typical process for time extensions. C. Parker explained considerations for extensions.

Motion: D.Trefethen made the motion to extend. Seconded by T.Clark. Vote: U/A.

4. NEW BUSINESS

- A. Public Hearing to hear Community Development Block Grant (CDBG) funding requests for Fiscal Year 2011/2012. All applicants for CDBG funding will be given the opportunity to present their application to the Board.

Welfare Security Deposits: \$15,000 Request

Leena Nichols, Director, spoke. Needs of organization: Funds for security deposits for low-income persons.

Community Partners: \$19,420 Request

G.Green recused himself in a potential conflict of interest.

Michele Donovan, Program Director of Community Support Program, spoke. Needs of organization: Funds for security deposits for affordable housing.

Cross Roads House: \$10,000 Request

Chris Sterndale, Executive Director spoke. Needs of organization: Funds for increased operating costs.

Seymour Osman Community Center: \$9,046 Request

Thad Mandsager, Executive Director, spoke. Needs of organization: Funds for Quantum Program serving teens with Arts Education and Career Skills & Development.



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AIDS Response: \$15,000 Request

Richard Wagner, Executive Director, spoke. Needs of organization: Funds to provide case management and support services to persons living with HIV/AIDS.

A Safe Place: \$3,300 Request

Lisa LeBlanc, Director of Client Services, spoke. Needs of organization: Funds for Domestic Abuse Direct Services and Shelter.

Homeless Center for Strafford County: \$8,500 Request

Susan Ford, Executive Director, spoke. Needs of organization: Funds needed for operating costs.

Big Brothers/Big Sisters of Greater Seacoast: \$5,000 Request

Tawnee Walling, Executive Director spoke. Needs of organization: Funds for mentoring programs for children.

Sexual Assault Support Services: \$5,000 Request

Lisa LeBlanc, From a Safe Place, spoke. Filling in for Cathy Beebe. Read Statement. Needs of organization: Funds for crisis intervention and support.

Court Appointed Special Advocates: \$2,500 Request

Amanda Flitter, Development Assistant, spoke. Needs of organization: Funds for Guardians ad Litem for local abused children in NH court system.

HUB Family Services: \$5,000 Request

No one present from organization.

Lifewise Community Projects: \$5,000 Request

Bruce Montville, Executive Director, spoke. Needs of organization: Funds for volunteer mentors for Dover youth. New program request.

My Friend's Place/MFP Transitional Housing: \$12,000 Request

Robert O'Connell, Executive Director spoke. Needs of organization: Funds for improvements to the shelter and the transitional housing program.

Administration, Rehabilitation, Public Facilities and Economic Development:

My Friend's Place: \$8,150.00 Request

See above request by Robert O'Connell.

Community Action Weatherization: \$25,000 Request

Betsey Andrews Parker, Executive Director, spoke. Needs of organization: Funds for weatherization measures for low-income housing.

McConnell Center: \$210,000 Request

Gary Bannon, McConnell Center Administrator and Director of Dover Recreation, spoke. Needs of organization: Funds for public meeting space.



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Our House for Girls: \$8,194.00 Request

No one present from organization.

Dover Children's Center: \$30,950 Request

No one present from organization.

Easter Seals: \$50,000 Request

No one present from organization.

Avis Goodwin Community Health: \$50,000.00

No one present from organization.

Recess at 8:45pm. Resumed at 8:52 pm

- B. Consideration and acceptance of an Open Space Subdivision of land for Changing Places, LLC. (Owner: Temple Israel of Dover Inc.), Assessor's Map A, Lot 45A-2, zoned R-40, located at 515 Sixth Street. (7 lots) *(P10-50)

M.Gasses recused herself due to potential conflict of interest.

Attorney Jim Schulte represented the applicant Changing Places. Requesting waiver from the 24 foot wide road requirement for six lot subdivisions for the existing 20 foot wide road previously built to City standards which will serve the Temple and five new residential lots – and which will become City maintained road. Also, requesting waiver of sidewalk installation and recreation fees in lieu of that they will be constructing parking area at the trailhead at Watson Rd. Two Open Space lots under conservation easements will be held by Temple Israel.

T.Clark questioned why this should be a public road. Attorney Schulte said for City maintenance and makes sites more sellable.

D.Trefethen questioned TRC review discussion of Bean driveway. Were the Bean's asked to 'move driveway at their expense or your expense?' Attorney Schulte deferred the question to Bob Stowell.

B.Stowell, Trittech Engineering. Explained sheets: new subdivision will utilize existing infrastructure of Temple.

T. Clark asked if it was built to city specs at that time. He asked about the parking expansion.

B.Stowell said the intent at the time had not been a city street. Parking is not being designed or constructed at this point. C.Parker clarified a condition of approval could detail future parking need process before plan is signed. Abutters are concerned as well. The reason why staff approved w/condition of the 20 ft wide roadway is caveat of no parking on the street.

L.Skinner discussed trip generation study completed with peak period of five residential lots and Temple activity shown that they do not coincide.

C.Parker said you need to think of the Temple as a destination use, it is a use that is controlled, access wise. Suggested the applicant's traffic engineer could be requested for the next meeting.

D.Trefethen questioned the Bean driveway. John O'Neill approached the podium. Worked with the abutters and Bean does not want the driveway changed. D.Trefethen said when he read the TRC notes, his interpretation is a strong suggestion and request to move the driveway and he questioned how the question was asked to Bean. John O'Neill said that he could ask him and receive an answer.



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C.Parker added comments. D.Trefethen questioned snow. C.Parker said that the safety vehicles with the plowing, does provide passage. T.Clark questioned whether to accept with this curb cut configuration. C.Parker to confirm. L.Merullo stated that when they brought up the discussion of combining driveways in TRC there was not a consensus to combine the driveways.

Motion: G.Green made motion to accept. L.Merullo seconded. Vote: U/A

Public Hearing Open

Dale Drake, abutter 515 Sixth Street, stated that he went to both TRC meetings and reviewed the application in the Planning office. Waiver request causes concern due to Temple traffic. Concerns with the traffic study voiced. The waiver request fails to take in to account functions at the Temple and curves and sharp downhill. Drake states a 24 ft wide would be good here with a sidewalk. Other concerns expressed: right of way, utilities, roadbase meeting current requirements, the landscape plan, deed restrictions with Temple property, TRC deed restriction language was not submitted, residences close to the buffer and several residences close to the buffer should be marked and clear to the potential buyers.

Jeff Bean, 517 Sixth Street, stated concerns with snow removal, church goes in his driveway, event parking.

Fred Conroy, 505 Sixth Street. stated that he is concerned with safety. Father of three young children and does not go down this road for that reason. He asked that they do not grant the waiver request.

Dave Keeler, 8 Reyners Brook Drive, stated his issues with this development: Temple verbal agreement was not to develop the land, needs sidewalks, small lots concerning, snow removal, water drainage in property, effect on aquifer, decreased property value with a proposed house directly behind his home, privacy, buffers, existing roads and infrastructure. Does not want this project to go forward.

F.Torr recessed public hearing.

C.Parker will seek to address concerns and suggests tabling for site walk prior to March 22nd meeting to discuss waiver request and give direction to the applicant by the March 22nd meeting. Site walk to be scheduled.

L.Merullo recalled TRC sidewalk conversation with C.Parker, and expressed concern with traffic that she supports having a sidewalk.

The Planning Department recommends the Planning Board table the application until the March 22nd meeting and schedule a site walk for Saturday, February 26th at 9:00 am. C.Parker asked that the buffers be identified for the first couple of lots and ROW centerline be noted. Meet at the Temple.

Motion: L.Merullo made the motion to table the application. D.Trefethen seconded. Vote: U/A

Site walks are open for the public to attend.

M.Gasses resumed her seat on the Board as Chair.

- C. Consideration and acceptance of a Minor Subdivision of land for JNM Realty, Assessor's Map K, Lot 20, located at 54 Dover Point Road. (2 lots) *(P11-07)

J.Forget recused himself.

Attorney Jim Schulte representing the applicants. Zoning Board imposed that plan return to Planning Board for approval of site plan changes. Requesting two waivers: Requesting to be relieved of the



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landscaping on the back units as existing plantings will remain. The other waiver request: waiver of five foot set back for pavement on two lots.

C.Berry, Berry Surveying and Engineering, stated that in regards to the size of the units because of various easements and utilities this placement of the structure is restricted on size. Berry noted NHDOT had a drainage easement which influenced possibilities on site plan.

C.Berry fielded questions from the Board regarding the commercial building size, landscaping for parking screening, and storm water.

Motion: D.Trefethen made motion to accept application. L.Skinner seconded. Vote: U/A

Public Hearing Open. No One Spoke. Public Hearing Closed

C.Parker confirmed for the Board that the applicant has submitted a set of plans asking to subdivide an existing lot into two lots. Each lot would be serviced by municipal sewer and water, and that the Board conditionally approved the Site Plan in 2008 that included two five unit multi-family buildings behind a mixed use structure with commercial on the first floor and two residential units above. On May 11, 2010, the Planning Board approved an amended plan that removed the pervious pavement and changed the timing of the payment of investment fees.

In May of 2010, the applicant applied for and received two variances from the Zoning Board of Adjustment to allow the lot to be subdivided into two parcels to separate the office building from the residential units.

The Planning Department recommends that the subdivision plan be approved with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signature shall be added to the final plat submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plat.
3. The applicant shall add the plan number to the title block.

D.Trefethen asked C.Parker to clarify regarding developers having issues with mortgages when combine commercial and residential which our zoning regulations require.

M.Gasses expressed concern with adding units while not providing amenities for children.

C.Parker noted B-3 Zone high density.

Motion: F.Torr approved with staff recommendations. L.Merullo seconded. Vote: U/A

- D. Consideration and possible vote on an amendment to a previously approved (7/22/2008 & 5/11/2010) Site Plan for JNM Realty Trust, Assessor's Map K, Lot 20, zoned B-3, located at 54 Dover Point Rd. *(P08-15B)

C.Berry Surveying and Engineering stated that the majority of the units they would add are three bedroom, the structure does not change, same townhouse units as in other places. C.Parker questioned if they adjusted the parking. C. Berry noted they did not check. M.Gasses questioned quality of living in this type of development for small children.

Board discussed parking. C. Parker noted parking needs would be addressed.



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Motion: G.Green made the motion to accept. L.Merullo seconded. Vote: U/A

Public Hearing Open. No One Spoke. Public Hearing Closed

C.Parker confirmed that the applicant has submitted a set of plans asking to amend a previously approved site plan, with no increase in the number of units, but an increase in the number of bedrooms to 35 total, and discussed the approval history of the project.

C.Parker explained that the applicant has requested a waiver to Chapter 149-15-C, which requires all paving to be a minimum of five feet from a side property line. As the written request indicates, the applicant owns both parcels and there are no impacts on abutters.

The Planning Department recommends that the amended plan be approved with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signature shall be added to the final plan set submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plan.
3. The applicant shall add the engineer's stamp and signature to the plan sheets.
4. The applicant shall add the plan number to the title block.
5. The applicant shall revise the plan to remove the note for units #11 and #12 that would allow parking spaces to be removed if front steps were added.
6. The applicant shall revise the landscaping plan to label the existing vegetation that shall be retained and add a note that said landscaping shall not be disturbed and deed restriction be in place.
7. The approval includes the granting of the requested waiver to allow pavement closer than five feet to a lot line for the reasons stated by the applicant and as outlined above. The Board finds that the criteria of Chapter 149-19-A have been met.
8. The applicant shall indicate that residential users may park on the non-residential lot for overflow. Cross-access easement deeds shall be submitted.
9. The applicant shall remove the note allowing the parking lot to be not stripped on the residential lot.

Motion: L.Merullo made the motion to approve with staff recommendations. L.Skinner seconded. Vote: U/A

J.Forget resumed his seat on the Board.

- E. Consideration and acceptance of a Minor Subdivision of land for Fortuna North, LLC., Assessor's Map D, Lot 17-C, located at Indian Brook Drive, Sixth Street and Members Way. (2 lots) *(P11-08)

Chad Kageliery stated he is looking to subdivide 14.83 acres with a five acre lot that will have frontage on Sixth Street. No site development plans at this point for his project, but would like to set the table to attract a commercial component.

D.Trefethen asked about why he is limiting to five acres. Kageliery said that in the lease agreement with the tenant in the existing building he reserved right to carve out five acres. L.Merullo asked about the frontage on Sixth Street and driveway access. Kageliery said he is not here for site plan, he is here



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for a subdivision. He said he is here to establish boundaries. Kageliery said he will pursue DES permit. G.Green clarified sewer easement with Kageliery.

Motion: T.Clark made the motion to accept application. F.Torr seconded. Vote U/A

Public Hearing Open. No One Spoke. Public Hearing Closed

C.Parker confirmed for the Board that the applicant has submitted a set of plans asking to subdivide an existing lot into two lots. Each lot would be serviced by municipal sewer and water.

The Planning Department recommends that the subdivision plan be approved with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signature shall be added to the final plat submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plat.
3. The applicant shall add the plan number to the title block.
4. The applicant shall add the surveyor's stamp and signature to the plat.
5. The applicant shall add the minimum building setback lines and wetland buffer setback lines to the proposed lot.
6. The applicant shall revise note #12 to explain requirements were modified by the Transfer of Development Rights.

Motion: F.Torr made the motion to accept the application with conditions set forth by Planning Department. T.Clark seconded. Vote: U/A

5. STAFF COMMENTS

C.Parker handed out Land Use amendments to the Board and explained that they will be reviewed in full at the Board of the March 8th workshop, after the CDBG portion of the workshop.

6. COMMITTEE REPORTS

M.Gasses appointed Dorothy Wagner to Conservation and Open Space Master Plan committee.

L.Skinner said that the committee had their first meeting and provided update. Committee will meet third Thursday of every month.

7. ADJOURNMENT

Motion: L.Merullo motioned to adjourn the meeting at 11:01 pm. G.Green seconded. Vote: U/A