



**CITY OF DOVER**

## DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers – 288 Central Avenue Dover NH 03820  
Meeting Date: **Tuesday, March 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), Dave White, and Ron Cole

**Members Not Present:** John Swartzendruber, Don Andolina

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

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

### 1. CITIZENS' FORUM

*The Chair opened the Citizens Forum*

O.Perry, Chair of the McConnell Advisory Board, spoke and requested to reinstate \$86,000 that was not on original CDBG application document provided. The funds are integral for meeting space and staff training for tenants organizations serving low-to-moderate income citizens.

*The Chair closed the Citizens Forum*

### 2. APPROVAL OF THE PRIOR MINUTES

- February 22, 2011 Regular Meeting Minutes.
- March 8, 2011 Workshop Minutes.

T.Clark noted correction needed to 'Pacific Drive to remain on the table' on February 22, 2011 minutes and J.Green should be changed to G.Green. T.Clark noted change to third sentence of first paragraph of item two on March 8, 2011 minutes, indicating a misspelled word.

**Motion:** D.Trefethen motioned to approve the February 22, 2011 Regular Meeting minutes, and March 8, 2011 Workshop minutes as amended. R.Cole seconded. Vote: U/A.

### 3. OLD BUSINESS

- A. Discussion and possible vote on Community Development Block Grant (CDBG) funding requests for Fiscal Year 2011/2012.

C.Parker handed out updated recommendations to the Board for review. C.Parker noted amount of funding is still unknown. C. Parker requested that vote be tabled until next Planning board meeting, changing the workshop to a regular meeting scheduled for April 12<sup>th</sup>, 2011.

R.Cole asked for clarification on McConnell Center request. C.Parker noted staff based initial recommendations on what had been presented and discussions with staff G.Bannon and Planning Board response. C.Parker outlined recommendation were based upon qualifying ADA compliance needs. G.Bannon (not present) indicated to C. Parker he could utilize the lesser amount of \$86,000. M.Gasses asked for clarification on the use of the lower amount. O.Perry spoke, outlining that less expensive options, bare bones, would be utilized. L.Merullo asked how often meeting space would be used versus ADA tip downs. C.Parker noted \$83,000 would be utilized of City funds to create 40-50 tip downs this year he hopes and indicated meeting space in the City was limited. G. Green indicated there would be an income increase from rent of meeting rooms, based on current practice of leasing



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rooms. O.Perry noted additional space needed by tenants. G.Green noted all tenants are human service organizations and he would be in favor of approving funds as a great benefit to the community. T.Clark directed a question to C.Parker regarding City ADA compliance for tip downs. C.Parker noted City plan being implemented currently is ADA compliant. D.Trefethen discussed that funds that had been allocated to a conference room that had been given up, and now another request is being made for a conference room, questioning whether the pattern of allocating the conference room to office space would continue. O.Perry noted current conference room is still on occasion available for use, but that would not meet all the needs of current tenants due to greater demand. D.Trefthen requested O.Perry request assurance from Board members that if the new conference room was funded, it remain a conference room. R.Cole requested more information from the McConnell Center to base decision. M.Gasses agreed with R.Cole.

L.Merullo discussed email that had been written by her and read aloud at last meeting in lieu of attending meeting due to illness, and withdraws the statement to provide additional funding to the Seymour Osman Community Center. C.Parker encourages anyone to contact Congressional representatives to show support for CBDG funds.

- B. Consideration and possible vote on 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 R.Cole due to conflict of interest. M.Gasses recused herself due to potential conflict of interest.*

C.Parker discussed the results of the site walk, and noted developer has agreed in discussions to allocate funds for the Dover Community Trail in lieu of sidewalks being built in the development and developer would make an in-kind donation to the trail.

**Motion:** D.Trefthen made motion to remove the application from the table. G.Green seconded.  
Vote: U/A.

J.Shulte, Attorney for developer, spoke and noted the site walk had been attended by most board members. J.Shulte discussed additional screening that would be provided on two lots, of seven lots in total, and developer is proposing as a public road. He clarified that on site walk it had been discussed that entrance would be 24 feet. J.Shulte noted the other waiver is to provide in-kind donation or service for Community Trail. J.Shulte also discussed transfer of lot to Mr. Bean to add a driveway.

B.Stowell of Tritech Engineering, Engineer for developer, noted road would only narrow to 20 feet to serve minimal lots at end of street which should alleviate abutter concerns. The road he noted meets current road standards, and that the City Engineer had requested a 2 inch overlay which would be completed, to create a road that meets City standards and screening has been adjusted to meet abutter concerns. He noted a revised traffic memo has been submitted and a parking overflow plan for potential Temple special functions in the future.

L.Merullo asked if Mr. Bean's current driveway would be removed when new one is built. B.Stowell confirmed that yes, the old driveway would be removed when new driveway is built, and plans for this new driveway would be presented at a later date.

L.Skinner asked for clarification on plan for entrance, and driveway change. C. Parker responded that moving sign and driveway would help with site distance and provide a clearly defined entry way to new road.

G.Green noted public hearing should open before he provides his comment.



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*F.Torr opened public hearing*

Drake of Sixth Street spoke and asked about plans for utility and expressed concern that they would not be public ROW. B.Stowell explained the utilities would be in the public ROW.

*Public hearing closed.*

F.Torr requested staff recommendations.

The Planning Department recommends the Planning Board approve the application 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 surveyor's and engineer's stamps and signature to the appropriate sheets.
4. The applicant shall revise sheet C-1 to add station markings to the roadway plan.
5. The applicant shall submit proposed Homeowner's Association Documents, addressing cul-de-sac maintenance, open space conservation easement and 50-foot and 100-foot buffers remaining in their natural state, including preservation of perimeter landscaping. These documents shall be reviewed by the Planning Department, with consultation by the City Attorney on the proper form of the documents.
6. The applicant shall submit proposed access and drainage easement documents in favor of Temple Israel. These documents shall be reviewed by the Planning Department, with consultation by the City Attorney on the proper form of the documents.
7. The applicant shall contribute \$4,204 to the Community Services Vehicle Capital Fund.
8. The applicant and owner shall submit a narrative describing how parking on the revised Temple Israel lot will be evaluated annually to determine if overflow parking is needed. The Director of Planning will review and sign off.
9. The applicant shall revise the plan to include six white pines to be planted on lot A-45A-2-4.
10. The applicant shall revise the plan to indicate that all street lights shall be solar powered.
11. The applicant shall add a sheet showing utilities.

**Conditions to Be Met by the Applicant Prior to Any Land Clearing:**

12. The applicant shall have the surveyor stake the 50-foot no cut buffer on lots 1-5 and the 100-foot no-cut buffer on lot 5. This shall be checked and approved by the Building Official and City Engineer. Sample deed language shall be submitted for review by the Planning Department documenting no cut/disturb requirements to future lot owners.
13. The applicant shall stake the 50-foot wetlands buffers on lot 3 per Chapter 170-27.1-D-1-c.
14. The recreation impact fee of \$1,184 per single family house is waived per Chapter 170-28.7-F, in exchange for the proposed improvements to the Community Trail Watson Road Trailhead parking and gate system. This waiver is subject to the consent of the City Council.
15. A sign shall be erected on the site alerting those traveling the roadway that they are on a roadway that is not accepted or maintained by the City of Dover, and they travel at their own risk. Said signage shall be located and approved by the City Engineer or Director of Planning and Community Development prior to land disturbance.
16. Construction hours shall be limited to Monday-Friday 7am-6pm, Saturday 8am-5pm, No Sunday hours. Hours of construction shall be documented on a site construction sign along with the contact information for the general contractor. Said signage shall be located and approved by the City Engineer or Director of Planning and Community Development.



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### **Conditions to Be Met Prior to Issuance of a Building Permit:**

17. Any new dwelling unit shall be assessed the current impact fees in place at the time of building permit application, except as set forth in condition #14.
18. The Temple Israel sign shall be relocated to lot 45A-2.
19. All trees to be planted in 50 foot buffers shall be installed.
20. The Watson Road Trailhead parking and gate system shall be completed by the applicant.
21. A letter of credit shall be established with the City Engineer for all site work.

### **Conditions to Be Met Prior to Issuance of each Certificate of Occupancy Permit:**

22. The deed for the R.O.W shall be submitted to the City Engineer, to hold until the City accepts the street.
23. Confirmation that purchasers of the homes are aware that there are no cut/no disturb and/or wetlands buffer on lots shall be provided to the Planning Department.

### **Conditions to Be Met Prior to Issuance of the First Certificate of Occupancy Permit:**

24. The applicant shall submit documentation that a Homeowner's Association has been formed.

### **Conditions to Be Met Prior to Issuance of the Final Certificate of Occupancy Permit:**

25. The applicant and owner shall submit a subsequent review evaluating the need for overflow parking on the revised Temple Israel lot. This report will be furnished annually by the owner to the Home Owners Association and Planning Department documenting parking needs on the Temple parcel.
26. Any remaining street trees shall be planted.

T.Clark questioned conditions. C.Parker clarified, as written.

D.Trefethen raised concern over acceptance of 20 foot roadway, citing example of parents waiting in cars for school children. D.Trefethen noted the sixth lot is not a house lot, and would generate significant traffic, and it would be a disservice to residents to accept 20 foot road requesting staff clarification. C.Parker noted an example of a similar road width. C.Parker noted Temple hours were not in conflict with peak hours of residential traffic. C.Parker noted 20 feet did not cause concern for safety services to travel the road.

J.Shulte noted if it were a 24 foot road with parking that a five foot wide car parked would create less room to pass, than a road with no parking at 20 feet.

G.Green expressed concern over children playing on road with no sidewalks in a cul-de-sac in the future if use of Temple changes. C.Parker noted it would be a public road, however sidewalks are not required in this area, and any change of use for Temple would require site plan approval.

L.Merullo expressed approval for sidewalk money to be allocated to trail, and approval for 20 feet road as current use does not conflict with school schedule and traffic.

L.Skinner expressed concern over 20 foot width, regardless of peak traffic not in conflict, noting that does not mean there is no traffic citing several examples of Temple ancillary functions to worship. C.Parker asked of Board, if this was a sixth residential lot, would the deputy mayor move to support a request for a waiver. D.Trefethan noted we are not discussing six residential lots, there is a lot that is not a single family home. D.Trefethan noted four feet makes a clear difference in the winter when usable area is less. F.Torr discussed that on site walk he noted stakes and plowing had been done by a private contractor to 20 feet. D.Trefethen noted City plows do not plow to edge of road. F.Torr expressed confidence that City plows would plow to 20 feet.

D.White addressed plowing, expressing confidence that it would be plowed to 20 feet and that not allowing parking on the street as addressing any concern he may have had.



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G.Green raised concern over safety of children living in development on winding road, and expressed hope that City would need to address police enforcement of speed and parking. L.Skinner expressed concern that people may not follow signage and there may be regret if signs were not followed.

J.Forget noted trade-offs are not always ideal. J.Forget said his main concern is precedent that it sets to accept a road of the size discussed.

C.Parker asked B.Stowell if when Bean Driveway is added would the width be affected. B.Stowell indicated no.

T.Clark spoke and expressed he would approve this plan. L.Skinner noted no curbing appears to be swaying the board, but that years from now this would not be remembered.

**Motion:** D.Trefethen moved to approve with 24 width to the cul-de-sac and with staff recommendations G.Green seconded. Vote: 3 / 5 fails.

**Motion:** L.Merullo motioned to approve with staff conditions. T.Clark seconded. Vote: 5 / 3 approved.

*The Chair recessed the meeting for five minutes.*

- 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)

J.Shulte asked that this and next item (D) be considered together. Chair accepted with board approval.

**Motion:** D.Trefehen made the motion to remove from the table. R.Cole seconded. Vote: U/A

J.Shulte, attorney for applicant, spoke and discussed changes to site plan and indicated B.Stowell would explain.

B. Stowell of Tritech Engineering spoke at request of attorney and applicant. B.Stowell noted lot is in R-40, and described plan and noted considerations of location of driveway taken for both site distance and safety issue. Driveway permit had been submitted. On-site well and septic is planned and NHDES approval has been requested. B.Stowell requested site walk, as this would provide a visual of constraints of lots and the favorable development that has been planned. All seven lots would be accessed by new road. Traffic counts are in progress he noted.

G.Green noted Y-1 in information provided to board was not addressed. C. Parker discussed requirements of yield plan. B.Stowell noted all lots will come off the new road.

**Motion:** D.White made the motion to accept. G.Green seconded. Vote: U/A

*Public Hearing Opened.*

*No One Spoke.*

*Public Hearing Closed.*

The Planning Department recommends that the Board table the application until the site walk is completed.

- 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. (7 lots) \*(P10-51)

Chair scheduled site review with board for Tuesday, April 5<sup>th</sup> at 5:30pm.



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C.Parker noted he will notify abutters of the date and time of the site walk.

**Motion:** R.Cole made the motion to table both items C. and D. pending site walk. D.Trefethen seconded. Vote: U/A

R.Cole noted he has a relation with applicant that will not affect his ability to review the application

- E. Consideration and possible vote of a request for a 90-day extension for Gary Goodspeed, Assessor's Map G, Lots 14A & 15, zoned R-12, located at 346 & 350 Washington Street. Previously approved on 9/28/2010. (An Administrative 90 day extension was granted on 12/14/2010 to expire on 3/28/2011)(\*P10-41)

M.Gasses asked C.Parker to provide explanation. C.Parker stated applicant came before the board regarding damn restoration project. In speaking to Attorney O'Connell four items were required to be addressed under conditional use permit. In speaking with the DES it had been indicated the Goodspeed's had an extension granted due to winter snowfall. C.Parker recommends that by May 2<sup>nd</sup> conditional use permit needs to be met and work be completed by June 30<sup>th</sup>. C.Parker noted this would be in line with the DES extension.

**Motion:** R.Cole motioned to grant extension. F.Torr seconded.

C.Parker noted traditionally there would be a public hearing.

*Public Hearing Opened.*

S.Eisler of 344 Washington spoke. S.Eisler indicated acceptance should indicate date not 90 day extension. S.Eisler asked board to come view the work and the construction methods utilized to date. M.Gasses asked S.Eisler to stay on topic.

D.Eisler spoke and supported staff recommendations and S.Eisler's request of date being specified.

L.Fitzsimmons of 348 Washington Street spoke and discussed that her property is under water continually. She noted she supports the recommendations and the date be specified.

*Public Hearing Closed*

L.Merullo stated disgust that this is before the board again and concern for construction and wishes to deny extension.

M.Gasses agreed with frustration, but noted that Board must coordinate with DES.

C.Parker noted denial of application would lead to no work completed and there is follow-through that will occur with deadlines set.

M.Gasses noted construction methods not purvue of this board.

The Planning Department recommends that the Board extend the conditional approval through May 2, 2011 to give the applicant time to complete the conditions. Staff further recommends that this be the final extension granted.

**Motion:** R.Cole made the motion to extend the conditional approval to May 2, 2011.. F.Torr seconded. Vote: U/A

#### 4. NEW BUSINESS



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- A. Consideration and acceptance of a Minor Lot Line Adjustment of land for Graystone Builders (Owners: MPJ Development & Mikula Family Trust), Assessor's Map E, Lots 50-1 and 52B, zoned R-40, located at Pacific Drive and 52 Upper Factory Road. \*(P11-09)

Chair requested that item A. and B. be considered together by Board. Board agreed.

C.Berry, Principle of Berry Surveying, representing applicants spoke. C.Berry noted track record of Graystone is to work with abutters when deciding to develop and that effort had been made with abutters at this location in regards to garage. C.Berry discuss lots are large and conforming. C.Berry noted in initial plan for development presented a ledge had not been addressed. C.Berry presents a plan he hopes will alleviate blasting be required, initial landscape plan would need to be changed as a result of ledge. He noted new plan provides arborvitae buffers.

T.Clark asked for clarification on lot 52-B to reference tax map. C.Berry agreed.

D.Trefethen asked if boring and tests had been done to create this plan. C.Berry replied yes.

**Motion:** R.Cole moved to accept. Seconded by F.Torr. Vote: U/A

*Public Hearing Opened.*

*No One Spoke.*

*Public Hearing Closed*

The Planning Department recommends that the Planning Board approve the lot line adjustment plat with the following conditions:

### **Conditions to Be Met Prior to Signing of Plans:**

1. Add the owner's signatures to the plat.
2. The applicant shall provide a digital version of the plat to the Planning Office.
3. The applicant shall add the surveyor's stamp and signature to the plat.
4. The applicant shall revise the plat to add the Planning File #P11-09 to the title block.
5. The plan shall not be recorded until Plan #P10-53 is recorded.
6. Revise the note clarifying Area A will be transferred to Map E lot52 B.

M.Gasses asked for the Board to address item B first.

- B. Consideration and acceptance of a Waiver Request for Graystone Builders (Owner: MPJ Development), Assessor's Map E, Lots 50-1 and 50-2, zoned R-40, located at Pacific Drive.\*(P11-10)

**Motion:** G.Green made the motion to accept the waiver. D.Trefethen seconded. Vote: U/A

*Public Hearing Opened.*

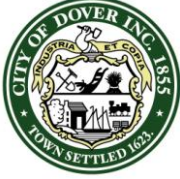
*No One Spoke.*

*Public Hearing Closed*

The Planning Department recommends that the Planning Board approve the waiver with the following conditions:

### **Conditions to Be Met Prior to Signing of Plans:**

1. The Board finds that the criteria of Chapter 155-51-A have been met.



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2. The wavier is not in effect until the lot line adjustment plan (P11-09) is signed and recorded at the Strafford County Registry of Deeds.
3. The trees shown on the plan shall be planted prior to the issuance of a certificate of occupancy for either lot.

**Motion:** D.Trefethen made the motion to approve with staff conditions. G.Green seconded. Vote: U/A

**Motion:** G.Green made the motion to approve lot line adjustment with staff recommendations. T.Clark seconded. Vote: U/A

- C. Consideration and acceptance of a Minor Lot Line Adjustment of land for Michael P and Robin Patenaude and Daniel W. Ayer, Assessor's Map N, Lots 19-4 and 19, zoned R-40, located at Falcon Drive.\*(P11-11)

**Motion:** R.Cole made the motion to accept. J.Forget seconded. Vote: U/A

Applicant, M.Patenuade, spoke describing request briefly.

*Public Hearing Opened.*

*No One Spoke.*

*Public Hearing Closed*

The Planning Department recommends that the Planning Board approve the lot line adjustment plat with the following conditions:

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1. Add the owner's signatures to the plat.
2. The applicant shall provide a digital version of the plat to the Planning Office.
3. The applicant shall add the surveyor's stamp and signature to the plat.
4. The applicant shall revise the plat to add the Planning File #P11-11 to the title block.

**Motion:** L.Merullo made the motion to approve with staff conditions. J. Forget seconded. Vote: U/A

- D. Consideration and acceptance of a Minor Lot Line Adjustment of land for Gaye and Michael Dean, Assessor's Map 38, Lots 32 and 32-1, zoned R-12, located at 4A Smith Well Road. \*(P11-12)

K.McEneaney representing applicants spoke. K.McEneaney discussed frontage on Glenwood Ave to be given to four unit building raised the need for lot line adjustment.

**Motion:** D.White made the motion to accept. L.Merullo seconded. Vote: U/A

*Public Hearing Opened.*

*No One Spoke.*

*Public Hearing Closed*

The Planning Department recommends that the Planning Board approve the lot line adjustment plat with the following conditions:

### **Conditions to Be Met Prior to Signing of Plans:**



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1. Add the owner's signatures to the plat.
2. The applicant shall provide a digital version of the plat to the Planning Office.
3. The applicant shall revise the plat to add the Planning File #P11-12 to the title block.
4. The applicant shall revise the plat to add reference to the variance granted in January 2011.
5. If the dumpster remains on Map 38 lot B2-1 it shall be screened per code.

**Motion:** T.Clark made the motion to approve with the staff conditions. D. White seconded. Vote: U/A

### 5. STAFF COMMENTS

C.Parker updated the board on the Land Use amendments the Board has been reviewing.

C.Parker noted census data has been received, population jump has moved Dover to fifth largest community by population in the state.

M.Gasses noted that professionalism of board had been noted by member of audience this evening.

L.Merullo noted McDonalds has closed for renovations.

C.Parker noted Sustainability Planning webpage and Facebook page have launched.

M.Gasses encouraged citizens to come forward during the citizens forum, and at this time to come forward to comment on open space planning process.

### 6. COMMITTEE REPORTS

M.Gasses asked L.Skinner to speak regarding sub-committee report of Conservation commission.

L.Skinner noted that committee is working to determine hierarchy of protection of lands.

### 7. ADJOURNMENT

**Motion:** L.Merullo motioned to adjourn the meeting at 9:34 pm. J.Forget seconded. Vote: U/A