



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue Dover NH 03820
Meeting Date: **Tuesday, April 26, 2011**
Meeting Time: **7:00 pm**

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

Members Not Present: Jake Forget (Alternate), Ron Cole, Dennis Ciotti (Alternate)

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

The Chair called the meeting to order at 7:01 pm. G.Green sat for R.Cole.

1. CITIZENS' FORUM

The Chair opened the Citizens Forum

Otis Perry, 91 Court Street, spoke as Chair of the McConnell Center. He pleaded with the Board that the conference room be approved for CBDG funding over funds for the tip down project.

The Chair closed the Citizens Forum

2. APPROVAL OF THE PRIOR MINUTES

- April 12, 2011 Minutes.

L.Skinner noted change to G.Green for “expressed support for McConnell Center” on page 1.

Motion: D. Trefethen motioned to approve the April 12, 2011 as amended. T.Clark seconded. Vote: U/A.

3. OLD BUSINESS

- A. Public hearing and possible vote 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)

Motion: D. Trefethen motioned to remove this item from the table. G.Green seconded. Vote: U/A.

J.Schulte spoke on behalf of the applicant. He noted the photographs he distributed were taken from various locations around the home, and the home itself. He noted the City had re-zoned the area surrounding the home for commercial, but the property owned by the applicant did not fit this type of use. What was consistent about parts of the re-zoned area was that the surrounding neighborhoods had high traffic counts, shared City services, and had commercial uses. The property on Freshet Road is not large enough to be developed commercially, is surrounded by residential, and off the high-traffic road. It is also not served by City sewer and water services. This is not consistent with context of the commercial zone. The property mirrors the rural residential zone in Madbury next to the property. The lot size is conducive for rural residential sub-division, not commercial.

G.Green noted a correction to address, address is 18. J.Schulte concurred noting the Map and Lot number are correct.

D.Trefethen asked if the adjacent property owner had been able to be reached. C.Parker noted he had not been successful in an attempt to discuss the request with the abutter.



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L. Merullo noted she has driven the area and supports this request by the applicant.

D.Trefethen noted the smaller lot should be re-zoned at the same time.

C.Parker asked that the application be tabled so the case can be noticed properly, with the correct address. At the same time the adjacent lot could be reviewed for re-zoning.

Public Hearing Opened

No One Spoke

Public Hearing Closed

Motion: F.Torr motioned to table the application. G.Green seconded. Vote: U/A

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

Motion: F.Torr motioned to remove this item from the table. G.Green seconded. Vote: U/A.

C.Parker noted estimates are currently at 14% less funding than anticipated. C.Parker explained how to read the table provided and changes that had been made to the financial data. Three items had been removed, to meet the funding appropriated. C.Parker discussed reductions in tip-down costs, including admin and over-sight. He noted these are still estimates, but Board can move to approve.

L.Merullo spoke showing support for Seymour Osman Community Center, and asked if Aids Response could have a lower amount. R.Jones spoke and explained that funding is based on the Consolidated Plan, which rates requests according to low, medium and high requests. L.Merullo asked what the ramifications were to Seymour Osman. R.Jones noted she would need to discuss this with the Housing Authority.

L.Merullo expressed full support for tip-down project over the McConnell Center. R.Jones responded noted that the agencies and organizations are all great organizations, but the federal government cut the program by \$63,000+ dollars. G.Green agreed with R.Jones statement. G.Green noted importance of tip-down project, however he feels the McConnell Center would serve the most people, citing the current tenants including Easter Seals, Seniors Center, and other outside service agencies.

G.Green asked if City would fund any tip-down project this year. C.Parker noted no line item out of the general fund indicated tip-downs would be funded. C.Parker noted \$83,000 had been spent previously on tip-downs of CDBG funds.

D.Trefethen noted low priority agencies had not been funded through CDBG over the years as the amount of funds continued to be less. D.Trefethen noted that homeless shelters should be funded through this program rather than through taxpayer dollars.



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M.Gasses expressed support for tip-down projects over the McConnell Center projects, citing numerous populations that would benefit from better sidewalk tip-downs including persons in wheelchairs, the elderly, people with strollers. She feels this provides more benefit than a meeting room.

G.Green noted media center had been funded through a cable-fund.

Motion: F.Torr motioned to approve the funding budget. L.Merullo seconded.

D.Andolina asked if M.Gasses is fully supported of her statement. She clarified she supported it fully as the best use of the funds.

Vote: 8/1 carried.

- C. Consideration and possible vote 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)

Motion: D.Andolina motioned to remove this item from the table. G.Green seconded. Vote: U/A.

B.Stowell, TriTech Engineering, spoke on behalf of the applicant.

Chair requested to hear both items at the same time.

J.Schulte spoke. He discussed existing septic system easement adjoining property could be used instead of separate leach fields for this property subdivision. He noted Planning staff would concur with this condition for the approval. He discussed a recreational easement on the pond and dam. He checked the deed and the responsibility is shared, that when the property sold the expense would be shared between owners of property with frontage. He discussed that sixteen staff recommendations would be amenable to the applicant.

D.Trefethen asked if using existing common septic for Lots 2, 3, and 5 would need an easement. J.Schulte answered yes, and conditions are to revise the plan to indicate sewer and water lines. B.Stowell spoke and explained how it would be indicated.

T.Clark noted that applicant had recently requested a name change of a street from Captain Flag to Winterberry.

Public Hearing Opened

Chris Wyskeil, lawyer representing several abutters on Wisteria Drive spoke. He asked the board to address two issues on behalf of his clients. He asked the board to advocate for easements to connect to the leach field on common land. The concern is for ecosystems and the run-off with the steep-topography. He noted the revised language in the staff condition recommended and had been agreed upon by all parties. He also distributed materials to the board which contain a letter sequencing the history of the division of land in the development. He noted large lots had been created out of the subdivision of 93 acres, and they had come from one single owner of land. The type of new



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development is of concern with regards to covenants. The previously discussed existing lots all had the same covenants and he asked that the new sub-division's covenants mirror this language. He asked that the recreation rights be spelled out in this covenant. He asked for a public hearing on the language of the covenants for the new sub-division.

J.Schulte spoke and noted that covenants would all come under review by the City attorney, and expressed that open space would be guided by City ordinances, and covenants would follow the ordinances. He noted the three sub-divisions did not have exactly the same covenants and that typically the Planning Board does not rule on covenants, the City attorney reviews and City approves.

Public Hearing Closed

L.Merullo agreed that the Planning Board does not review covenants, this falls to City staff to review. D.Trefethen asked how Planning staff felt about the covenant request. C.Parker noted he has not had covenant review experience and therefore defers staff opinion. D.Trefethen asked if it should be tabled given the uncertainty of reviewing the covenants. C.Parker noted it would be a civil issue, however an opinion could be sought should the Board choose.

D.White commented that he is in favor of a common septic. D.White asked if the covenants were placed on the entire property, or just the current subdivisions. J.Schulte noted that as each property was approved for subdivision the covenants were done after the fact upon review by staff. He noted that the agreement of covenants was not the purview of this Board.

C.Parker noted staff recommendations for the lot line adjustment:

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 stamp and signature to the plat.
4. The applicant shall revise the plat to add the Planning File #P10-52 to the title block.
5. The applicant shall revise the plat by deleting the Planning Board signature block.
6. The applicant shall revise the plat by adding the Strafford County Registry of Deeds plan number for reference plan #2.

Motion: F.Torr motioned to approve with staff conditions. D.Andolina seconded. Vote: U/A

- D. Consideration and possible vote 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)

Both items were heard at the same time.

Motion: D.Trefethen motioned to remove this item from the table. L.Merullo seconded. Vote: U/A.

C.Parker provided staff recommendations:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signature shall be added to the final plat submitted for signature.



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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 submit proposed Homeowner's Association Documents, addressing road maintenance, open space ownership, 50-foot and 100-foot buffers remaining in their natural state, and 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.
5. The applicant shall revise note #14 on sheet S-1 to add the NHDES permit number.
6. The applicant shall submit sample deed language to the Planning Department documenting no cut/disturb requirements to future lot owners.
7. The applicant shall add the NHDOT Driveway Permit number to the plan.
8. The applicant shall revise the plat to connect the residences on Lots N-8-0-2, N-8-0-3, N-8-0-4, and N-8-0-5 to the existing leach field located on Map N, Lot 8-1. At such time as that leach field may need to be replaced, said common leach field shall be repaired and/or replaced if reasonably possible. If repair or replacement is not reasonably possible then the individual leach fields as shown on the plans for those lots may be constructed and used. Any expansion of the leach field on Lot 8-1 to accommodate additional residences may be permitted with the approval of the City Engineer.
9. The applicant shall revise the plat to indicate that the private roadway will be titled "Winterberry Drive."
10. The applicant shall revise the plat to add these Conditions of Approval into the plan set as a note sheet to be recorded with the subdivision plat at the registry of deeds.

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

11. The applicant shall have the surveyor stake the 50-foot and 100-foot no cut buffers on all lots. 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.
12. 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.
13. 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.
14. The applicant shall remove the large outbuildings and pool.

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

15. Any new dwelling unit shall be assessed the current impact fees in place at the time of building permit application.
16. A letter of credit shall be established with the City Engineer for all site work.

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

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

Motion: F.Torr motioned to approve with staff conditions. L.Merullo seconded. Vote: U/A

E. Review and discussion regarding proposed amendments to the Land Use Regulations.

Motion: D.White motioned to remove from the table. L.Merullo seconded. Vote: U/A



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C.Parker noted changes to proposed amendments as distributed. He voiced opinion that LED signs should not be permitted, as community character should be of utmost importance. He clarified question regarding fuel storage tanks.

D.Trefethen asked for clarification on assisted living facilities. He noted this is not inclusive of people who require the level of care that can be provided in these types of facilities. C.Parker replied he would review this. D.Trefethen asked about former nunnery, C.Parker noted it was zoned commercial. D.Trefethen questioned changeable electronic signs time and date. C.Parker noted this was based on the variance that had been granted. D.Trefethen noted for re-fueling facilities closed 90 days would be more reasonable to be a 180 day timeline. D.Trefethen noted a typographical correction. D.Trefethen noted in R-40 that 6 per acre is low density in his opinion. He noted on subdivision document there is an unclear sentence. On page 5 he noted change to yes from shall.

D.White noted page 2 of 2 of subdivision regulation about sidewalks and pervious surfaces should be defined. C.Parker noted this could be reviewed and a recommendation brought forth. L.Skinner noted it should be broad to include new materials invented. L.Merrullo asked about 1 ½ acre parking lots or greater and excuses used to by developers to avoid impervious surfaces, if this would be required. C.Parker noted it would be required or a waiver would be needed. G.Green feels cost elements should not be included. C.Parker noted this was for the City Engineer to have all the information he needed to evaluate the plan.

L.Merullo expressed approval for no electronic sign regulation. G.Green asked how many electronic signs we have now. L.Merullo noted six. C.Parker noted they had all gone through ZBA approval. G.Green noted he saw benefits for LED signs; however he would support the proposed regulation. Chair expressed her support for no electronic signs.

Motion: D.Trefethen motioned to table. D.Andolina seconded. Vote: U/A

4. NEW BUSINESS

- A. Consideration and acceptance of a Site Review of land for the Dover Housing Authority, Assessor's Map 24, Lot 59, zoned CBD, located at 30 Chapel Street. (Parking lot) *(P11-06)

Dana Lynch, representing Dover Housing Authority spoke. In 1982 the church structure had been converted to special needs and elderly housing. Currently 16 off-street parking spaces are leased from the City. Dover Housing Authority purchased adjacent lots to expand parking. Lot mergers will be pursued by the Housing Authority for the lots purchased. The land with prior auto-body requires environmental clean-up. The proposal is to construct 21 parking spaces on lot 59, and 12 parking spaces on Lot 58. One curb cut near St.John's facility will be widened and the other curb cut closed entirely. Another curb cut will be re-located. One-way circulation will be indicated with signage. One dogwood tree would need to be removed, and two plantings will be placed elsewhere. In addition an arborvitae row will be placed according to regulation between abutting property. Lighting will be situated to only light the property, not abutter property.

F.Torr asked about drainage. D.Lynch noted this been acceptable to Bill Hopkins, the abutting land owner, but he is out of town and will write a letter as a condition of approval. M.Gasses questioned where



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drainage would be directed. He noted it would not change as much of the current property is non-pervious.

L.Skinner asked how the number of parking spaces to be added was determined. D.Lynch, said parking spaces were determined by the maximum number for the lot sizes, as many current residents have vehicles that are parked erratically, so this would provide adequate parking with a ratio of one parking space for each unit, currently only .5 per unit is available.

L.Merullo asked about landscaping. D.Lynch noted no new landscaping would be added between the street and existing parking. He indicated they need to keep costs down and snow removal was a factor.

Motion: G.Green motioned to accept the application. L.Skinner seconded. Vote: U/A

C.Parker noted an issue with the abutter list in which staff spoke with an abutter that had not been notified by mail due to a clerical error on the abutter list. He noted they showed support for the project and will be notified in the future.

Public Hearing Opened

No One Spoke

Public Hearing Closed

C.Parker noted staff recommendations.

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 prepare a Lot Merger Form for the Chair's signature and recording at the Registry of Deeds Office.
4. The applicant shall provide evidence that the abutting property owner, Holgate Limited Partnership, accepts the plan to direct storm water runoff onto their property.

Conditions to Be Met Prior to Issuance of a Building Permit or Driveway Permit:

5. 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.

Motion: T.Clark motioned to approve the application with staff recommendations of conditions. D.Andolina seconded. Vote: U/A

- B. Consideration and possible vote for a 90-day extension for Dean A. Fournier (Owner: Dean A. Fournier Revocable Living Trust), Assessor's Map 3, Lots 10, 11 & 18, zoned CBD, located at 11, 13, 15 & 17 School Street. Previously approved on 10/26/2010. (An Administrative 90 day extension was granted on 1/18/2011 to expire on 4/26/2011. *(P10-39 & P10-40)

Paul Connelly spoke on behalf of Dean Fournier who is absent due to injury. He noted 90 day request is needed as negotiations continue, but are almost complete regarding parking. Staff was notified by phone by parties that negotiations continue and are close to agreement. He requested that conditions be met by signing of building permit, not site plan approval.



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C.Parker supports the requests made by the applicant, as it meets the goals of the initial request.

G.Green noted he had concerns regarding the parking plan, and downtown parking implications. He referred to a Master Plan survey that citizens indicated a serious parking problem in the downtown area of which School Street is a part. He noted City should not be making long-term decisions regarding allocating this parking commitments and would like to see revised parking plan. M.Gasses noted this was not the purview of this Board this evening. The Council would make that decision. C.Parker concurred. G.Green did not feel confident that this would address his concern. L.Skinner expressed support for the requests tonight. M.Gasses noted with approval of the requests the applicant would have to come back for an amendment if they cannot meet the requirements of the approved plan.

Motion: D.Trefethen motioned to approve. T.Clark seconded. Vote: U/A

- C. Public Hearing related to compliance with conditions of approval for an Open Space Subdivision of land for KAB Realty Management, Assessor's Map A, Lot 28, located at Gladiola Drive related to Autumn Ridge Homeowners Association. *(P06-40)

D.White recused himself.

T.Keene introduced himself representing the applicant.

C.Parker provided overview and history of application. Tonight's discussion will focus on unresolved issues with the subdivision.

C.Parker noted issues:

- 1) The Applicant has failed to form a Homeowner's Association in violation of Dover ordinance 155-23 (E), and RSA 356-A and the conditions of approval;
 - a) Staff reviewed proposed HOA documents in December 2007, but the HOA was not formed by the Applicant. The Applicant has admitted to staff that a Homeowner's Association was not formed.
- 2) The Applicant has failed to comply with the performance guaranties pursuant to Dover ordinance 155-25 regarding the scope of the guaranty;
 - a) The Letter of Credit states the performance guaranty is for roadway improvements only, not all site improvements. The City ordinance requires the performance guaranty should cover all improvements required by the approved plan.
- 3) The current performance guaranty expires in June, 2011. An updated performance guaranty in the amount of \$109,152.06 is required to assure full performance according to the City Engineer. The Applicant shall file an updated performance guaranty by June 15, 2011 complying with Dover ordinance 155-25 in an amount sufficient to assure performance in an amount as determined by the City Engineer.
- 4) The Applicant has constructed the development resulting in the placement of water on streets in violation of Dover ordinance 152-20 regarding Lots #16-19 and 11;
 - a) The City has received complaints from homeowners in the subdivision regarding water entering the street from Lots #16-19 and 11.
- 5) The Applicant has constructed the development in violation of Dover ordinance 92-6(I) regarding driveway cuts;
 - a) City staff has observed driveway cuts that exceed the width allowed by city ordinance.



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- 6) The Applicant has violated the approved plan as described in the detail on Sheet D1 of the approved Plan and Dover ordinance 155-47 regarding concrete curbing;
 - a) The City Engineer is concerned about the thickness of the final pavement coat in relation to the height of the concrete curbing due to the current depth of the curbing prior to the application of the final pavement coat.
- 7) The Applicant has violated the approved plan as described in the Note on Sheet P1 on the approved Plan regarding tree planting on lots 1 and 2 since the trees were not planted as shown on the plan;
 - a) City staff reports the trees on Lots 1 and 2 were not planted as required by the approved plan.
- 8) The Applicant has violated Dover ordinance 155-36(E) regarding the planting of street trees since there are no street trees;
 - a) City staff reports no street trees have been planted.
- 9) The Applicant has violated the approved plan as described in Note 15 on Sheet A1 of the approved Plan resulting in cracks in the street paving since cracks run down the center of the entire length of the roadway calling into question the suitability of the base construction;
 - a) City staff reports that asphalt cracks exist throughout the street.
- 10) The Planning Board has concerns about whether there is non-conformity of the drainage system with the Plan pursuant to Dover ordinances.
 - a) Drainage problems continue to exist affecting neighbors of the subdivision.

D.White spoke as City Engineer and provided overview of issues. He noted subdivision sheet and pictures distributed. The pictures show some of the deficiencies and problems. He noted issue with letter of credit and performance guarantee. Asking applicant to file a new performance guarantee to comply with current regulations, letter of credit to cover outstanding items. He discussed that the homeowners have complained of water run-off which is not in compliance with Dover ordinances. He explained driveway widths are not in compliance, and City asks they be corrected to comply with regulations. He requested curbing be corrected with base pavement levels to be in compliance. Item 9 addresses issue with pavement cracks indicating problem with base construction, shortening life of street. These areas need to be fixed before overlay, and overlay should be thicker to address poor base. Neighbor has complained about water run-off from ponds, but no improvements have been noted. City Engineer recommends a third-party review as required.

M.Gasses clarified with D.White that applicant would be required to pay for review.

C.Parker outlined the proposed action plan with timeline developed by C.Parker and D.White:

- 1) Formation of a Homeowner's Association
 - i) A draft for Homeowner's Association documents by the Developer for review and approval by the City's General Legal Counsel by May 6, 2011.
 - ii) A letter from the Developer to the homeowners by May 6, 2011.
 - iii) A meeting by the Developer with the homeowners by June 1, 2011.
 - iv) Written progress report by the Developer to the Planning Board by July 1, 2011.
 - v) Creation and formation of a Homeowners Association complying with state law and local regulatory requirements by August 1, 2011.
- 2) Performance guaranty:



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- a) Filing of a Letter of Credit by the Developer for the full scope of improvements required by Dover Ordinance 155-25 by June 15, 2011 in the amount of \$109,152.06 as determined by the City Engineer.
- 3) Water on the Street:
 - a) Submission of a written plan by the Developer for addressing the placement of water on a street regarding Lots #11 and #16-19 by June 1, 2011.
 - b) Written progress report by the Developer to the Planning Board by July 1, 2011 including, but not limited to, a report on whether the Developer has received permission from affected homeowners to execute the plan.
 - c) Execution and completion of the plan by August 1, 2011.
- 4) Driveway cuts:
 - a) Submission of a written plan by the Developer for addressing oversize driveway cuts by June 1, 2011.
 - b) Written progress report by the Developer to the Planning Board by July 1, 2011.
 - c) Execution and completion of the plan by August 1, 2011.
- 5) Concrete curbing:
 - a) Submission of a written plan by the Developer for addressing curbing by June 1, 2011. The Developer may pursue a waiver pursuant to the Dover ordinances.
 - b) Written progress report by the Developer by July 1, 2011.
 - c) Execution and completion of the plan by August 1, 2011
- 6) Trees on Lots 1& 2:
 - a) Submission of a written plan by the Developer for addressing the planting of trees on Lots 1 + 2 by June 1, 2011.
 - b) Written progress report by the Developer to the Planning Board by July 1, 2011.
 - c) Execution and completion of the plan by August 1, 2011.
- 7) Street Trees:
 - a) Submission of a written plan by the Developer for addressing the planting of street trees by June 1, 2011.
 - b) Written progress report by the Developer to the Planning Board by July 1, 2011.
 - c) Execution and completion of the plan by August 1, 2011.
- 8) Cracks in the Street Pavement:
 - a) Submission of a written plan by the Developer for addressing cracks in the street by June 1, 2011.
 - b) Written progress report by the Developer to the Planning Board by July 1, 2011.
 - c) Execution and completion of the plan by August 1, 2011. Developer may petition the Planning Board prior to July 1st for an extension of time for executing and completing the plans for performing the remedies for water on the street, curbing and cracks in the street pavement.
- 9) Drainage System:
 - a) Deposit of \$5,000 paid by the Developer to pay for a consultant selected by the Planning staff by May 15, 2011 to assist the Planning Board to determine whether the drainage pond conforms to the approved plan.
 - b) Retention of the drainage consultant by the Planning Department to investigate and to prepare a report to assist the Planning Board with determining compliance of the constructed drainage system with the approved plan. The consultant shall meet with Jones and Beach Engineers. The consultant's plan shall be completed by August 1, 2011.
- 10) Follow-up Compliance Hearing:
 - a) Follow-up compliance hearing by September 1, 2011



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- b) All compliance items shall be completed prior to the issuance of any further Certificates of Occupancy.

L.Merullo asked for clarification on 8.C. C.Parker noted that as plan of action develops extensions may be needed.

M.Gasses read letter from D.Ciotti (see file). Members of the audience clapped while letter was read by M.Gasses.

Public Hearing Opened

T.Keenan, representing the developer spoke. He noted he has been working on the action plan with the City over the last several days. His issue is with the surety bond amount increasing. He said this needs bank approval. He agrees with the action plan and will comply with the action plan. He asked if the original engineer Jones and Beach could work with the City Engineer to resolve the drainage issues, rather than a third party.

K.Mailloux of 625 Sixth Street spoke. He noted his lot is at the bottom of the subdivision where all the effluence ends. He noted when he purchased the property there was a field, and some moisture noted in his backyard. He relied on professional Planning Board to protect his property from adverse development effects. The adjacent property is now developed and run-off comes down into his yard and is always wet and his basement is wet. His property value has been significantly affected.

J.Otterson of 11 Gladiola Way, Lot 19 spoke. He speaks for himself and his wife and purchased the property under the impression that street would become a public street. C.Parker noted City Services would begin when City accepted the street. C.Parker noted street lights are under review throughout the City.

B.Andrews-Parker, of 34 Gladiola Way, spoke for herself and her husband. She notes this has been a very unpleasant experience for her family, she agrees with D.Ciotti's letter, she notes multiple issues with her property, her neighborhood, no home owners association. She brings pictures of shared driveway, with notable damage, drainage pools in driveway, including creating 1-3 inches of ice 30 feet long in the winter. She had been assured these would be fixed. Jones and Beach she said they are told are out of the country regularly. She requests a culvert be placed under the driveway. The systems of the whole unit are closed systems and not functioning properly. The bottom of the driveway is like a squishy sponge in walking on it. There are tar divets coming off the road and driveway. The issues are not being addressed and need to be by the Board. She does not have faith that B.Goldstein will meet the conditions.

J.Lovering, 24 Gladiola, Lot 6, spoke on behalf of himself and his wife. He verifies everything that previous speaker said. He has written 200-300 emails to Bill Goldstein regarding the issues on his lot and in the development, such as erosion, run-off. He is told he is not responsible for the rain mother nature creates, he is told things will be repaired and it is not addressed, and he feels taken advantage of by Goldstein. He had asked about homeowners association when he considered purchasing. He had been assured there would be no homeowners association and he blames Paolini for misinformation.

B.J.Hickman, an abutter, said he is surrounded on three sides by the development. He explained every rain still floods his property; getting worse; not staying in any retaining well; drainage pipe was held by rocks; repairs have not worked; silt drains on his property; trees have not been planted; trees had been



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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removed in the buffer; and trees replanted did not survive. He asked to please do not sign off with the developer until these conditions are addressed. He invites the board to visit his property. He notes that the Planning Board should not allow developers with violations to proceed with new developments.

C.Amey, of 32 Gladiola Way, Lot 9, is concerned with a homeowners association being formed and faced with paying for mistakes by Goldstein. He thanks D.Ciotti for email which addresses her concerns.

Ryan Jadreau of Lot 17, notes drainage problems from neighbors drain into his yard. He asked what recourse we have. C.Parker noted City Engineer would review. He brought pictures forward to provide visuals of the safety issues.

Kim Alty, of 37 Gladiola Way spoke. She is very concerned with homeowner association being formed and asked for clarification. C.Parker read the condition again, and explained that this protected areas in their natural state, and retention pond maintenance. Dues will need to be worked out. K.Altly asked if it would be mandatory that the homes form an association. C.Parker said that if the association was not formed the homes would not be in compliance with City regulations. K.Altly said that B.Goldstein took advantage of them and the City should protect their rights and that they pay taxes and are not receiving services. She also noted length of time since first home was built and when issues are being addressed.

Dave Coutcher, Lot 15, is very concerned with drainage saying he can kayak down into neighbor's property. He has no intention of joining a home owners association; the realtor can pay his dues. He has a purchase and sale agreement that says there is no home owners association. Jeff Paolini misled him. He will not pay dues.

T.Keene said the goal of the action plan is to address the issues and not leave the homeowners with the burden. He noted the width of the driveways should remain as it would disrupt the owners to fix, he requests that condition be waived. He would like to meet with the homeowners to resolve issues as indicated in the action plan.

K.Parker of 34 Gladiola Way asked if in the plans if it was an open loop or closed loop system. T.Clark responded it was not indicated. He noted the water issues from an open loop system.

Public Hearing Closed

L.Merullo expressed concern regarding time extension 8-C again. She feels for the homeowners, as they did not realize they would have a homeowners association. C.Parker noted this is civil issue. She asked for opinion of D.White on third-party engineering review. He noted he would recommend third-party review. C.Parker noted this would encompass review of all the drainage issues. F.Torr asked D.White if he was comfortable with the conditions and if it would address pavement on driveways. D.White said the driveways are a civil issue. F.Torr is questioning jurisdiction and if run-off could be affecting driveways. L.Skinner asked about history of such a high level of compliance complaints. C.Parker noted he has not seen such a case. G.Green is pleased with the action plan. Notes bank issue is not Planning Board problem. L.Skinner asked if it was the intent of the City to accept the street. C.Parker replied yes. **G.Green does not understand homeowner's association requirement.** C.Parker noted it is now a requirement of proof before sale happens, due to situations such as this. G.Green appreciates the letter by D.Ciotti, and hopes we pursue this with all diligence. L.Merullo asked City Engineer if 8-C could be revised to get some type of action going as soon as possible. C.Parker clarified timeline. L.Merullo asked



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for extension clause to be removed or revised. C.Parker noted he would rather quality work be done, rather than a timeline be adhered to. T.Clark noted the extension is in line with state regulations.

M.Gasses asked that the Board go out to the development to view the current statement. F.Torr concurred, that the site visit should be done as a group.

Motion: G.Green made the motion to accept the plan of action

F.Torr asked for clarification regarding driveway issue. C.Parker requested recess.

Chair called five minute recess.

D.Andolina left.

C.Parker clarified that driveways are a civil issue. G.Green asked about jurisdiction for driveways. D.White noted that driveways are not under oversight of City. D.White noted driveway ordinance, and certificate of occupancy is issued without paved or not-paved driveway.

Motion: L.Skinner made the motion to accept the plan of action. G.Green seconded.

D.Trefethen expressed his support for the plan of action as the best remedy the Board can take.

Vote: U/A

Chair requested site walk of neighborhood at 5:30 p.m. on May 10th. Board approved.

5. STAFF COMMENTS

C.Parker noted special meeting on gravel permits on May 10th at 7pm.
He also thanks R.Jones for work on CDBG program.

M.Gasses invites the public and board to submit photos for good planning for OEP program. Email to City account.

6. COMMITTEE REPORTS

7. ADJOURNMENT

Motion: F.Torr motioned to adjourn the meeting at 10:55 pm. L.Merullo seconded. Vote: U/A