



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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

Members Present: Marcia Gasses (Chair), Frank Torr (Vice Chair), Linda Merullo, Ron Cole, Dean Trefethen, Lee Skinner, Gary Green (Alternate), Dave White, Jake Forget (Alternate)

Members Not Present: Tom Clark, Dennis Ciotti (Alternate)

Staff Present: Steve Bird (City Planner), Jean Glidden (Recording Secretary)

The Chair called the meeting to order at 7:00 pm and announced that Items 3.A. & 3.B will not be heard tonight.

1. CITIZENS' FORUM

The Chair opened the Citizens Forum. No One Spoke. The Chair closed the Citizens Forum.

2. APPROVAL OF THE PRIOR MINUTES

- June 28, 2011 Workshop Minutes.

Motion: F.Torr motioned to approve the June 28, 2011 Regular Meeting minutes. G.Green seconded.
Vote: U/A.

3. OLD BUSINESS

- A. Consideration and possible vote on a Site Review of land for STF Development, Assessor's Map I, Lot 18-1, zoned RM-SU/R-20, located on Durham Road/Route 108. *(P11-13)
- B. Consideration and possible vote on a Conditional Use application for STF Development, Assessor's Map I, Lot 18-1, zoned RM-SU/R-20, located on Durham Road/Route 108. *(P11-14)

Items 3.A & 3.B will not be heard.

4. NEW BUSINESS

- A. Consideration, acceptance and possible vote on a Conditional Use Permit for wetlands impact for Summit Land Development, (Owner: Fortuna North LLC), Assessor's Map D, Lot 17-F, zoned B-4, located at 343 Sixth Street. *(P11-25)
- B. Consideration, acceptance and possible vote on a Conditional Use Permit for reduced parking spaces for Summit Land Development, (Owner: Fortuna North LLC), Assessor's Map D, Lot 17-F, zoned B-4, located at 343 Sixth Street. *(P11-29)
- C. Consideration, acceptance and possible vote on a Site Review of land for Summit Land Development, (Owner: Fortuna North LLC), Assessor's Map D, Lot 17-F, zoned B-4, located at 343 Sixth Street. (9,000 sq. ft. building for medical office) *(P11-26)

Chair announced that all three applications will be discussed with separate votes for each application.

Robert Stowell, Tritech Engineering represented the applicant. Proposal is to construct a one story, 9,000 sq. ft. medical office building with associated parking and drainage. This property is located on the corner of Sixth Street and Indian Brook Drive. This was before this Board in February to subdivide the five acre parcel. This has been before the Conservation Commission with favorable recommendations.



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B.Stowell continued with item B. The conditional use permit is to allow a reduction in parking spaces for a medical office building. This facility requires 51 parking spaces and this building will be used as a dialysis center and parking needs are dramatically less. Based on the knowledge of their needs we are asking to change 51 spaces to 36 parking spaces.

B.Stowell continued with item C. We have been through Technical Review Committee (TRC) on May 26, 2011 and July 14, 2100. This property was created under the Transfer of Development Rights (TDR) ordinance (Chapter 170.27.2). The applicant is proposing to use the TDR ordinance to obtain relief from the parking lot setback and building setback requirements. Parking spaces are proposed to be as close as 15 feet from the property line where 25 feet would be required. We have applied for a waiver to allow a driveway 215 feet from an existing driveway, where 230 feet if required. In speaking with Mr. Woodruff he is recommending a site distance of 200 feet.

L.Merullo confirmed that the reduced parking was addressed at TRC. She stated that she attended the meetings and is in full support of this project and that the developer will enhance landscaping to hide parking. She added that she is in agreement with the reduced parking for this use and added that this will be a quality project for the City of Dover.

D.Trefethen questioned the reduced parking spaces and if this use changes would the site have room to add parking spaces if needed. B.Stowell stated that this is the northerly end of the parcel and this is a very specific and long term lease for this use. D.Trefethen asked if this could be subdivided. B.Stowell said not likely, but there is room left for future development. D.Trefethen confirmed additional parking will be addressed if needed.

S.Bird noted that if this use changes the need of parking spaces would need to change. It would make sense to add a condition to this use if approved. He noted that you can make it so that a particular use requires revisiting the board.

M.Gasses stated that we can bring this back to make sure parking is adequate for that use. She stated that we make it a requirement, if it is a change of use, it would trigger that we would determine that the parking satisfies that use or it would be another application.

F.Torr asked why the parking is not in the rear of the building as the Board normally will set a precedence that it is located in the rear of a building. B.Stowell explained that this was discussion at TRC and we will hide it will landscape.

Motion: G.Green made the motion accept the application (Item A - P11-25). Seconded by L.Merullo.
Vote: U/A.

Motion: L.Merullo motioned to accept the application (Item B - P11-29). Seconded by L.Skinner. Vote: U/A

Motion: J.Forget motioned to accept the application (Item C - P11-26). Seconded by Cole. Vote: U/A

Public Hearing Open on items A, B & C. Nobody spoke. Public Hearing Closed.

S.Bird noted that the building setback will be 35 feet rather than 55 feet as submitted, however still comes under TDR. B.Stowell agreed.



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S.Bird continued with Item A, (P11-25) and noted that the Planning Department recommends approval of the conditional use permit for the wetlands with the following conditions:

Conditions to Be Met Prior to the Issuance of the Conditional Use Permit for Wetlands Impact:

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Wetland Permit.

Motion: L.Merullo motioned to approve with amended staff conditions. Seconded by G.Green. Vote: U/A.

S.Bird continued with Item B, (P11-29) and noted that an additional memo dated July 21, 2011 was submitted after the packet went out and is listed as condition #1. After the submittal and receiving that document we are recommending approval of the conditional use permit and deleting condition #1.

Conditions to Be Met Prior to the Issuance of the Conditional Use Permit for reduced parking spaces:

1. A formal agreement between the Planning Board and the applicant shall be prepared and recorded at the Strafford County Registry of Deeds.
2. The applicant shall revise the site plan to add a note stating that any change of use will require the owner to return to the Planning Board for reconsideration of the Conditional Use Permit.

Motion: L.Merullo motioned to approve with amended staff conditions. Seconded by R.Cole. Vote: U/A.

S.Bird continued with Item C, (P11-26) and noted that the Planning Department recommends that the Planning Board approve the site review 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 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 surveyor and engineer stamps and signatures to the appropriate sheets of the plan.
4. The approval includes the granting of the requested waiver for the driveway 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.
5. The approval includes the granting of the requested TDR waiver for parking and building setbacks, per Chapter 170-27.2, F-4.
6. The applicant shall add the NH Wetlands Permit number to the plan.
7. The applicant shall provide the Planning Department with proof that the EPA Notice of Intent permit has been filed.

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

8. The new building shall pay the current impact fees in place at the time of building permit application.
9. 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.

Conditions to Be Met Prior to Issuance of a Certificate of Occupancy:

10. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.



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Motion: L.Merullo made the motion to approve with staff recommendations. Seconded by R.Cole.
Vote: U/A.

- D. Consideration and acceptance of a Minor Lot Line Adjustment of land for Cocheco Country Club, (Owner: Cocheco Country Club, First Hole LLC, & Cocheco Waters LLC,) Assessor's Map N, Lots 8A, 15 & 16, zoned R-40, located at 145 Gulf Road. *(P11-31)

Nobody present. (See below item H)

Motion: R.Cole motioned to table the application. Seconded by G.Green. Vote: U/A

M.Gasses announced that she would be stepping down for the next two itmes.

Vice Chair F.Torr announced both items P10-50A & P11-34.

- E. Consideration and acceptance of an amendment to a previously approved (March 22, 2011) Open Space Subdivision of land for Changing Places, LLC, Assessor's Map A, Lot 45A-2-1, 45A-2-2 & 45A-2-3, zoned R-40, located at Olive Meadow Lane . *(P10-50A)

- F. Consideration and acceptance of a Minor Lot Line Adjustment of land for Changing Places LLC, (Owner: Changing Places LLC & Jeffrey & Anne Bean) Assessor's Map A, Lots 45 & 45A-2-1, zoned R-40, located at Olive Meadow Lane & 517 Sixth Street. *(P11-34)

Attorney Schulte explained the applications. The proposal is to convey land to relocate the driveway from Sixth Street on to Olive Meadow Lane. The applicant is asking to reduce no-cut zone from 50 feet to 30 feet. Mr. Bean is obtaining title to some of the buffer area and his home is more than 225 feet from any new home these lots. Mr. Bean and Mr. O'Neil are present.

D.White confirmed that the developer would be responsible to relocate driveway and asked if this was part of the development plan. Attorney Schulte said we are looking to change Olive Meadow Lane and it is part of his project.

Motion: R.Cole motioned to accept the application (Item E – P10-50A). Seconded by L.Merullo. Vote: U/A

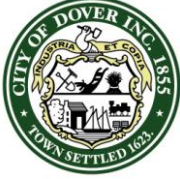
Motion: R.Cole motioned to accept the application (Item F – P10-34). Seconded by G.Green. Vote: u/a

Public Hearing Open on Item E and Item F.

F.Torr read a letter for the record in support of request (in file) submitted by Jeffrey Bean.

Public Hearing Closed

S.Bird continued with Item E, (P10-50A) and noted that the planning department supports the request to amend the approved subdivision plat. He added that the building setback on those three lots will remain at 50 ft. from the rear property line. Based on that change we recommend approval with the following conditions:



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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 stamp and signature to the plat.
4. The applicant shall revise the plat to add a note that there is a 30 foot rear no-cut, no disturb buffer.
5. The approval includes the granting of the waiver to reduce the rear buffer from 50 feet to 30 feet, for the reasons stated by the applicant and as outlined above. The Board finds that the criteria of Chapter 155-51-A have been met.
6. The applicant shall revise the plat to revise the rear building setback to 50 feet.

L.Merullo questioned the 30 foot no-cut versus the 50 foot no-cut and what happens to future uses.

S.Bird said the intent written in to the regulations abutting owners that would potentially be impacted by new homes in a subdivision. This abutting lot by the fact that the lot line adjustment is being proposed is being incorporated into the subdivision. Mr. Bean has submitted a letter of support and that is why they are supporting it and feel comfortable with the reduction. As indicated in the memo any new house would be more than 250 ft from the Bean residence.

Motion: L.Skinner made the motion to approve with staff recommendations. Seconded by R.Cole. Vote: U/A.

S.Bird continued with Item F (P11-34) and noted that 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. The owner's signatures 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 #P11-34 to the title block.
5. The applicant shall revise the plat to relocate the proposed driveway to the Bean lot to enter onto Olive Meadow Drive in a location where the road width is 24 feet or extend the 24 foot road width to the proposed driveway location.

Motion: R.Cole motion to approve with staff recommendations. L.Merullo Seconded. Vote: U/A

M.Gasses resumed her position as Chair.

G. Consideration and acceptance of a Minor Lot Line Adjustment of land for Berry Surveying & Engineering, (Owner: Fenton & David Groen) Assessor's Map 17, Lots 56 & 56A, zoned R-12, located at 67 & 75 Central Avenue. *(P11-33)

Chris Berry, Berry Surveying & Engineering represented the applicant and explained the application as submitted (in file). The owner would like to reconfigure the lot lines between two existing lots, transferring equal 521 square feet parcels between the two lots. There is no change in the number of lots.

Motion: F.Torr made the motion to accept the application. G.Green Seconded. Vote: U/A.

Public Hearing Open. Nobody spoke. Public Hearing Closed.



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D.Trefethen questioned the lot line adjustment and asked what the intention was for this request. Mr. Berry said that they would like to have a one car garage.

S.Bird noted that 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. The owner's signatures 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 #P11-33 to the title block.
5. The applicant shall revise the plat to add the owner information for the two abutters across Central Avenue.
6. The applicant shall revise the plat by labeling the driveways.

Motion: L.Merullo motioned to approve with staff recommendations. R.Cole Seconded. Vote: U/A.

H. Consideration and acceptance of a Minor Lot Line Adjustment of land for Cocheco Country Club, (Owner: Cocheco Country Club, First Hole LLC, & Cocheco Waters LLC,) Assessor's Map N, Lots 8A, 15 & 16, zoned R-40, located at 145 Gulf Road. *(P11-31)

Joseph Kane approached the podium @ 8:04 pm and stated that he represents the applicant. He apologized for being tardy and asked to continue with his application.

Motion: G.Green motioned to remove the item from the table. Seconded by R. Cole. Vote: U/A

J.Kane continued to explain his application. He mentioned that Steve Woods was not present. He gave a background of the project. The applicant has submitted a set of plans asking to reconfigure the lot lines between three existing lots.

D.Trefethen questioned the request. S.Bird stated that the end result will be an even land swap among the parties. The lot size will not change. S.Bird noted that this has been indicated to us that Mr. Woods has future development plans for Map N, Lot 8A. This will assist in moving the project forward.

Motion: D.Trefetehen made the motion to accept the application. Seconded by F.Torr. Vote: U/A

Public Hearing Open. Nobody spoke. Public Hearing Closed.

S.Bird addressed the waiver request from Cocheco Country Club (in file) and stated that the Planning Department supports the request. He noted that 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 signature to the plat.
2. Provide a digital version of the plat to the Planning Office.
3. The approval includes the granting of the waiver requested for the reasons stated by the applicant and as outlined above. The Board finds that the criteria of Chapter 155-51-A have been met.
4. The applicant shall revise the plat to add the Planning File #P11-31 to the title block.



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5. The applicant shall revise the plat to label the lot lines to be eliminated or add the line style to the legend.
6. The applicant shall relocate or remove the accessory structure that would encroach on the proposed lot line near area A. Any relocation shall provide a minimum ten foot setback from all property boundaries. Proof that this has been accomplished shall be provided to the Planning Department.

Motion: D.Trefethen made the motion to approve with staff recommendations. Seconded by R.Cole.
Vote: U/A

M.Gasses mentioned a couple of letters requesting extensions. These requests are not on the agenda and going forward would like to be made aware of them and placed on the agenda. She asked Mr. Bird if we had an extension application to list a project. S.Bird said no, the regulations do not require public hearing or abutter notification. The Planning Director is allowed to grant a 90 day extension in the form of a letter. This is an extension to allow them to meet the conditions of approval.

S.Bird provided background for Sherman School Street Condominium project P10-39 & P10-40 extension request (in file). They are requesting a 45 day extension.

L.Merullo questioned the extension and asked about the construction schedule.

G.Green questioned parking. S.Bird explained the project and said that this has to meet multiple conditions of approval. One of the conditions is making sure that there will be a formal agreement for spaces to be dedicated to this project.

Motion: R.Cole made the motion to grant the 45 day extension. L.Skinner seconded. Vote: U/A

G.Green recused himself.

S.Bird provided background on the Cooper project P10-16 extension request (in file) DOT driveway permit has been delayed. The process is taking longer than they hoped. They are asking for a 90 day extension.

Motion: R.Cole made the motion to grant the 90 day extension. L.Merullo seconded. Vote: U/A

5. STAFF COMMENTS

L.Merullo asked for an update on Gladiola Way. D.White stated that they do not have any further development. M.Gasses asked if the Planning Department could add this item under staff comment and provide an update at the next meeting.

6. COMMITTEE REPORTS

L.Skinner stated that the Conservation Commission and the Open Lands Committee met and had some great ideas. We went over individual ideas. It was a productive and very helpful discussion.

M.Gasses stated that the next Planning Board meeting will be August 23, 2011.

7. ADJOURNMENT

Motion: F.Torr motioned to adjourn the meeting at 8:38 pm. L.Merullo seconded. Vote: U/A