



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: McConnell Center – Room 306, 61 Locust Street
Meeting Date: **Tuesday, June 26, 2012**
Meeting Time: **7:00 pm**

Members Present: Marcia Gasses, (Chair); Frank Torr (Vice Chair), Dean Trefethen, Mayor; Thomas Clark, Lee Skinner, Gary Green, Dennis Ciotti, Kirt Schuman, Jake Forget (Alternate), Dexter Tarbox (Alternate)

Members Not Present: Dave White

Staff Present: Christopher Parker (Planning Director), Timothy Corwin (Assistant Planner), Gail Pare (Recording Secretary)

The Chair called the meeting to order at 7:02 pm.

1. CITIZENS' FORUM

Citizen's Forum open.

Liz Goldman, 44 Rutland Street, spoke about the critics who have mistaken a process for a plan. This is the moment for interested citizens to engage in this plan. She spoke about the four trends for the future: (1) reliance on non-renewable fuels, (2) global climate change causing more severe weather and more flooding, (3) increase in population, and (4) planning for the future because the America we used to know is gone.

State Rep. Dave Watters, and representative of Wards 1 and 2, commended all that were involved and felt the plan was a fair and open process. He spoke about the implementation phase, the goal to keep taxes low, and the priorities needed to be set and he felt the plan is well done. He commented that State resources will be involved and that the State needs to be involved to provide funding for schools. He also spoke about the L-chip program which helped in Dover previously and he feels it needs to be done again; water and sewer resources and that transportation is the lifeblood for Dover's success in the future. He feels that Dover's downtown improvements make sense.

Sam Reid, 22 Lexington Street, spoke about the community visioning. He was asked to be a facilitator but due to family commitments he was unable to attend the sessions. He did, however, read all the emails from Mr. Hawk and the Planning Dept. He is impressed with the process used to connect with the citizens of Dover. Conventional methods were used as well as social media, advertising in Foster's, Twitter, the City website, and he thought that it was more inclusive and more transparent. As a citizen, he is proud with the process and stated that any criticism was misguided and off base.

Dave Montenegro, 55 Union Street spoke. He also attended a half dozen meetings, and his input was not implemented into the plan. He said that no matter how much planning; the plan does not take into consideration the input. He said it is misguided and off base.

Michele Holt-Shannon, 14 Florence Street, lived here for 17 years; co-founder of Dover Listens and NH Listens. Her personal civic time is in public engagement and listening; she spoke about how NH is run by volunteers, and dependent on speaking with each other. She also participated in the Dover 2023 sessions and was heard. Not all of her concerns were inputted into the plan. She defended people working in small groups and it gets more people get to talk. She was energized by meeting with people in small groups even though their top priorities were not, but there were similarities. She thanked Roger Hawk for handling the details of putting a plan together.

Citizens Forum closed.



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2. Approval of the Prior Minutes

- June 12, 2012 Regular Meeting Minutes.

Motion: F.Torr motioned to approve the minutes. Seconded by G.Green Vote: U/A

G.Green made a comment about when corrections are made, he asked if the corrections be made part of the record. C.Parker clarified that you are voting on the draft minutes, the corrections are made and the finalized minutes are then posted and become the record.

3. OLD BUSINESS

- A.** Consideration and possible vote on a Conditional Use application for The Housing Partnership Owner: Sidney Robbins Family Trust), Assessor's Map 27, Lot 20, zoned RM-U, located at 1 Dover Street. (Reduced parking spaces) **(P12-06)**

Motion: F.Torr motioned to remove from table. Seconded by D.Ciotti. Vote: U/A

Chris Wyskiel of Wyskiel, Boc, Tillinghast & Bolduc represented the Housing Partnership. He asked that the board reviews the Conditional Use application first, and if approved, then move on to the Site Review application.

He stated that since the planning board last met on April 24, 2012, the Housing Partnership had hired traffic consultants, and a parking report was generated which demonstrated that 60 spaces are adequate for the building. The report was done by Norway Plains Surveyors who relied on industry standards. At the April 24th meeting, it was noted that a partial Planning Board expressed concerns, and at the direction of the Board, to work on it. C.Wyskiel passed out duplicate copies of the report given in April. Many efforts were made in the last month to locate additional parking. He spoke about available parking lease options and the only other option is to go with City owned property. He passed out an email response from Parking Commissioner William Simons. The point to evidence in the letter summarizes telephone conversations and thoughts within the Parking Commission. His client is prepared to purchase the permits for parking. City policies for renewing parking permits were discussed. He mentioned that #15 in the report is interesting, which stated the Mayor's comment about his willingness to limit 1 bedroom to a 1 space. The 2 and 3 bedroom units would have 2 spaces and additional parking would have to be off site, if needed. The staff recommendation stated as a condition to lease an additional 15 spaces. The Mayor would be satisfied with 60 spaces, but can probably go to 75. City policy is to lease month to month or annually. The City Council determines the rental price each fiscal year and it ends next June. The parking policy is to prepay annually. An Excel spreadsheet in advance of the May 22nd meeting was handed out again. The spreadsheet was meant to supplement the report given out. It gives the total spaces, the number of spaces per unit, and the number required by regulation. The plan calls for visitor parking. He referred to other communities with similar building units, which don't provide for any visitor parking. He stated that this is a reasonable parking solution. He feels it is a positive for the City in many ways and City Council has endorsed partial funding through CDBG for the plan.

C.Parker asked for a clarification about the leased spaces and does the applicant understand that the lease rate is set annually by City Council. There would be no set rate and the applicant would bare the market cost just like any other lease agreement.



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C.Wyskiel responded that for the record, at the Chestnut Street lot, they would be charged \$20 per space, and that is set at market rate. It had been higher in the past but has come down. The applicant understands market fluctuation, and the developer understands the market rate.

D.Ciotti questioned the Woodbury Mills spreadsheet with 75 designated parking spaces, 3 handicap, and offsite parking spaces, which was checked off. He asked how many on street parking spaces are available. He also asked about visitor parking on Park Street, and would the lot spaces be numbered.

C.Wyskiel said there is plenty of viable on street parking in available areas. There would be no additional on street parking on Park Street. It is planned to have a Management company will handle all parking for the Woodbury Mills.

Marty Chapman stated that all the spots of the site will be tenants only with one designated spot for each unit. Each unit will be issued one parking sticker. Other spots will be first come, first served, but for tenants only. Additional discussion ensued.

Reopen public hearing. Nobody spoke. Public hearing closed.

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board approve the Conditional Use Permit application with the following conditions:

1. The applicant shall specify in the lease agreement for each apartment that the tenant shall not have more than two vehicles per apartment for two and three bedroom units and one vehicle per one bedroom apartment. Planning Dept. shall review and approve language to be included.
2. The applicant shall designate through signage, one parking space for the exclusive use of each apartment unit.
3. The applicant shall prepare and execute an agreement on the design and construction of a bus stop and shelter with the Cooperative Alliance for Seacoast Transportation (COAST) and construct said improvements on Central Avenue, at a cost estimated to be no greater than \$7,500.
4. The applicant shall submit proof that fifteen parking spaces have been leased by the applicant for use by the tenants. Leases shall be renewed annually and proof shall be submitted to the Planning Dept.
5. A formal agreement between the Planning Board and the applicant shall be prepared and recorded at the Strafford County Registry of Deeds.

D.Ciotti questioned condition #2, which is for individual parking space signs. He asked if it were individual parking space signs or parking lot signs only. He would also like to revise condition #4, to include the length of the leases. He would like to see them spelled out.

C.Parker stated that the Park Street and Dover Street signage will state parking for tenants only.

M.Gasses stated she feels the requirement to lease 15 parking spaces should be reviewed after 5 years and that the required amount of parking may not be necessary as time passes.

G.Green asked how far it is between Park Street and Chestnut Street. At the April 24, 2012 meeting, he asked the applicant about the tax credits, and at that time, he noticed a conflict with a statement at the Council Meeting on April 25, 2012, with a different answer. It is a State program and the applicant will get a credit for the first 10 years; he wants clarification.



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C.Parker stated the distance is just over 1000 feet. He understands that it is a State/Federal program. The State program outlines a 10 yr period of reduction in property taxes at the local level; but in the 10th year it goes away.

L.Skinner commented in regards to providing authorization to revisit the parking space in later years, and if we don't authorize, are we precluding the revisiting.

C.Parker states the applicant can request an amendment of the conditions of approval.

D.Ciotti referenced the Morrill building, which they had to rent the additional spots. They leased 8 additional spaces and they needed an amended condition of approval. He asked about compact car spaces and asked if the City has looked this scenario. He questioned size regulations on the parking spots.

C.Parker stated the City is reviewing this avenue.

D.Trefethen mentioned he originally opposed the plan due to the number of parking spaces. He was looking for additional spaces and validation for the spaces. He feels C.Wyskiel has demonstrated that 126 were too many, and 60 were not enough. The chart shows the feeling is correct that this type of structure doesn't require the original amount of parking spaces. The applicant can come back at any time to ask for an amended requirement of spaces.

Motion: K.Schuman motioned to approve. Seconded by F.Torr. Vote: U/A

- B.** Consideration and possible vote on a Site Review of land for The Housing Partnership (Owner: Sidney Robbins Family Trust), Assessor's Map 27, Lot 20, zoned RM-U, located at 1 Dover Street. (42 multi-family units) **(P12-07)**

Motion: F.Torr motioned to remove from the table. Seconded by D.Trefethen. Vote: U/A

C.Wyskiel spoke about the site review plan. The unit count has been corrected and resubmitted to the Planning Dept. He spoke briefly about tax credits. All plans changes have been submitted.

D.Trefethen asked about property taxes. He stated the building is in current disrepair, and even with tax credits, he assumes that the taxes paid by the applicant will be more than what is now being paid.

G.Green commented that a statement was made at Dover 2023 "let's not make Dover another Nashua". He stated he came from Nashua and development ran wild so he is sensitive to it. He agrees with K.Schuman at the April 24, 2012 meeting, and what he is fearful of here, is not to shoe-in development to this part of town. Secondly, he is concerned about the financial aspect, the impact on the schools and reading the 2005 study on the schools. There may be a lack of demand for this type of housing. What happens if there is no demand, then how would the applicant handle that situation.

Marty Chapman, Executive Director Housing Partnership stated that they have a statewide portfolio. They have been doing this since 1985 and there has never been a lack of demand for affordable housing. The month to month vacancy rate is approximately 3-4%. They were required to do a market analysis and he said they have to manage the property financially as tightly as possible.



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G.Green asked if they are bound to the format of affordable housing. He asked when was the last study done.

M.Chapman responded that the financing is done through a Federal program, so they would have to follow it. The last study was done less than 90 days ago, sometime in March.

Reopen public hearing. Nobody spoke. Public hearing closed.

STAFF RECOMMENDATION:

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 plan set submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plan.
3. The approval includes the granting of the waiver to Chapter 149-14-C-1 which requires sidewalks on the north and east sides to be constructed of pervious material for the reasons stated by the applicant and the Planning Department. The Board finds that the criteria of Chapter 149-19-A have been met.
4. The applicant shall provide proof that the invoice for the peer review of the traffic study has been paid in full.
5. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the Community Services Department.
6. The conditional use permit shall be issued.

Conditions to Be Met Prior to Any Construction Activity:

7. 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 Building Permit:

8. The applicant shall prepare an access easement to the City for the sidewalk located on the subject parcel. This document shall be reviewed by the Planning Department, with consultation by the City General Legal Counsel for compliance with conditions of approval.
9. The applicant shall provide a letter describing the ownership status of the property as it relates to property tax assessment.
10. The new dwelling units shall pay the current impact fees in place at the time of building permit application.
11. The new buildings shall be assessed the current water/sewer investment fees in place at the time of building permit application.

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

12. The applicant shall demonstrate compliance with the conditions of the Conditional Use Permit (P12-06).
13. In lieu of providing the required on-site active recreation, the applicant shall contribute materials, equipment and labor to the City for improvements to recreational facilities at the Park Street Park.



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The scope of the improvements shall be approved by the Planning Director, in consultation with the Recreation Director.

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

D.Ciotti asked about the dollar value for #12. Should a set number be included in the condition?

C.Parker stated he didn't know exactly, but the number is substantial and somewhere between \$16k and \$30k. It includes items such as site work improvements, and apparatus added for recreation. What they did was calculated the on-site recreation that should have been added, and working with the recreation department. He will get that number to the Board.

Chair Gasses asked about impact fees.

C.Wyskiel to his recollection, there was no set amount. He stated they were going to explore with Gary Bannon and with private contractors to see what they could come up with. In conjunction with the offsite bus service, it was comparable to that figure. They were going to explore, but it has not been set.

C.Parker stated he is confident they can work it out as a building permit would not be issued until a figure is finalized.

L.Skinner recommends this as a deviation from the normal process but agrees not to hold up a plan until this is settled.

Motion: D.Trefethen motioned to approve the application with conditions. Seconded by D.Ciotti.
Vote: U/A.

G.Green thanked neighbors who came out for the April meeting, asking for more clarification on the parking situation.

Motion: D.Trefethen motioned to move Item 3C. and 3D. to the end of the agenda. Seconded by K.Schuman. Vote: U/A

C. Review and consideration of the Master Plan Community Visioning Chapter.

D. Consideration and possible posting of Zoning ordinance amendments.

4. NEW BUSINESS

- A.** Impact Fee Waiver Request for The Hub Family Resource Center, Assessor's Map 9, Lot 17, located on 23 Atkinson Street.

Carrie Keach, Vice President of HUB Family Resource Center spoke on behalf of their application. She stated the center is closing their doors due to lack of funding on June 30, 2012 and the building at 23 Atkinson Street is being sold. She feels the best use for the property is for a two (2) or three (3) family residential unit. There are currently four offers on the building, and most are financing FHA. HUB is seeking relief on the impact fees the City imposes because the fees are making it difficult to sell the



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property. The current offers on the property are far below the appraised value of the building. HUB is a 501c.3 and is not currently paying the current tax rate. The maximum the seller can pay is 3% of the selling price, which won't cover the \$16,682 impact fees for the three dwelling units.

Chair Gasses stated she has a hard time with the waiver, as many people are trying to sell their properties.

G.Green has a hard time excusing impact fees as well. He stated that this sets a precedent moving forward, which is his concern.

D.Trefethen and D.Ciotti had questions about seller/buyer impact fees and who pays them.

K.Schuman wanted clarification on conversion back to residential or is it being marketed as a 3-family.

C.Keach stated there will be no construction for the conversion back to residential and the purchase and sales agreement is for a 3-family residential dwelling. There are no modifications required and the building is currently set up as a 3-family.

C.Parker stated that the impact fees are predicated on net new development. That is the key. It is set up now as a 3 unit building and could be utilized with minor modifications to do the 3 unit. Looking at the way the ordinance was written and has been acted upon, had they made this conversion after 2003 when the Planning Board and the Council adopted the impact fee and assessment, we wouldn't be here. Any conversions after 2003, would have been assessed the commercial rate, and would have paid that minor. There is not any new development, and since it has been a multi-unit in the past and it makes sense to approve the impact fee waiver.

G.Green spoke about impact fees, and water/sewer investment fees, and are there water/sewer hookups for the 3 units.

C.Parker stated if someone were to come in and convert they have to pay fees.

Chair Gasses stated if they convert some commercial space back into residential space, they wouldn't have to pay impact. If the kitchen and full bath has remained, it creates in impact and sets a president to avoid impact fees.

L.Skinner stated that he went on the web and printed the impact fee information sheet and there is no question that impact fees should apply.

D.Trefethen questioned the applicant about giving back only 3% to the buyer in financing. If the building does not appraise higher, can you not lower the purchase price.

C.Keach responded that they have already lowered the purchase price twice, and a lower appraisal doesn't help either.

F.Torr favors the waiver stating it's a non-profit, and putting it back on the tax maps, gives the seller an opportunity to proceed with the sale.

T.Clark agrees with F.Torr. There are three apartments there and there would not be new development.



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D.Ciotti questioned the three apartments, of which there is a rental space on the first floor. That space housed a day care for 7 yrs. He asked about the dissolving of the 501c.3 as of June 30, 2012.

D.Tarbox agrees with the waiver.

L.Skinner feels that down the road, somebody else will ask for a waiver, but under different circumstances.

Motion: F.Torr motioned to accept application. Seconded by G.Green. Vote: U/A

Public hearing open. Public hearing closed.

STAFF RECOMMENDATION:

The Planning Department recommends approval of the Impact Fee waiver. The decision to grant the request was based upon the existing conditions of the 3 units (kitchen's intact, lack of major improvements being made and lack of commercial exterior).

Motion: F.Torr motioned to approve the application. Seconded by D.Tarbox. Discussion on the motion continued. M.Gasses motioned to amend that in the event future units are proposed, they will not be exempt from the impact fee. Seconded by G.Green. Vote: 7-2

- B.** Consideration and acceptance of a Site Review of land for Mast Landing, LLC and Housing Initiatives of NE Corp. (Owner: VC Dover Investment), Assessor's Map H, Lot 4-3, zoned B-4 and RCM, located at Mast Road and Grapevine Drive. (60 unit Congregate Care Facility) ***(P12-16)**

D.Trefethen and L.Skinner recused themselves from the case. J.Forget will sit in for L.Skinner on the case as an alternate.

Cynthia Taylor, President of the Housing Initiatives of NE Corp represented the owners. Jeff Kaben of T.F.Moran, site engineers was on hand and will speak later. C.Taylor gave an overview of the 60 unit congregate care housing. At the end of the summer, she will submit an application for 30 of the units to receive the State/Federal tax credit program. There will be onsite meals, a full kitchen, a full dining room, a service coordinator and someone who will do a health assessment when new residents are brought in. The facility will have moderate services and more of an unbundled plan. The price depends on the services the residents receive and the meals they choose. She referred to the shopping center, additional retail space and hopefully a restaurant which will be in the neighborhood. The conversation with the TRC is relative to the onsite parking. The residents want to park as close to the doors as possible and there will be separate staff parking, family/friends parking and visitor parking.

Jeff Kaben, TF Moran spoke about the 21 acre mixed use overlay district. He gave an overview of the changes in parking lot configuration, the added patio outside the dining room, additional walkways as requested by Planning staff, and a bus stop that may need to change it's location. Resident parking would be closest to the building, and visitors/staff parking furthest away from the building. Traffic memos have been submitted. The Mast Road view has three floors; the Grapevine Drive view has 4 floors.

Motion: K.Schuman motioned to accept the application. Seconded by T.Clark. Vote: U/A

Public hearing open



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Priscilla and Al Johnston, 26 Cielo Drive, members of the Arbor Wood Community, are against the location, the total concept, the total village style community. It is zoned for commercial, and the intent was not to build an apartment building. The building is 4 times larger than the original plan and it removes the medical building originally proposed. (60,000 vs. vs. 15,000 sf.) The apartments will result in increased traffic. The Johnston's pointed out that Arbor Woods only has one exit which would be a safety issue for emergency vehicles entering or leaving. This plan defeats the original plan and the zoning.

Mark Decker, 24 Cielo Drive opposes for all the reasons previously stated.

Mark Wyatt, 22 Cielo, stated he moved here from a state that had frequent issues. It was supposed to be a low impact medical building. He feels there will be a traffic increase, and 75 more vehicles in the picture. He feels the plan is out of scale, and it is scaled up. He compares it to Route 128/95. He was unaware it was 4 stories in height.

Bob Stafford, 15 Cielo Drive, is against the plan for the same reasons as Priscilla Johnston.

Chair Gasses asked the remaining members of the audience if they were also here for the case. Approximately 30+ people raised their hands and in a general consensus were all in agreement with the previous statements.

Alice Ryan, 4 Cielo, had questions about the old cemetery nearby and asked what provisions were made to protect it.

Bill Dowd, 20 Cielo, said that the majority of people oppose the plan and are concerned with the traffic.

Recess public hearing.

C.Parker spoke about some of the concerns the residents had:

- Route 108 intersections with Hannaford and across from Jenson's.
- The Torr cemetery, which under state law, precludes any activity within 25 ft won't be impacted by project.
- In regards to the concerns with traffic, mentioned that the plan required traffic studies, initially and then follow-ups. Office Use generates more traffic than a congregate care, and most will be visitors traffic vs. daily traffic.
- Zoning concerns - he understands that an office would go there; the zone allows multi use including a congregate care facility.
- The scale of the building and the landscaping to soften it. The second access will be looked at and it's trigger points. Public safety is an issue. He will talk to the Fire and Police Departments, and there would be multiple egresses.
- Security of the club house: we will work with the applicant to ensure security of it.
- Parking concerns. Will be reviewed in full with the Planning Department.
- The master concept plan includes duplexes, triplexes and two buildings of congregate care, plus existing single family dwellings and more commercial than on the concept master plan.

Staff is recommending a site walk which C.Parker invited all abutters and interested parties to attend. The site walk is scheduled for Saturday, July 14, 2012 at 9 a.m.



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STAFF RECOMMENDATIONS:

The Planning Department recommends tabling the application to a date certain so that a site walk can be held.

Motion: D.Ciotti motioned to table until July 24, 2012. Seconded by K.Schuman. Vote: U/A.

Brief recess at 9:25 pm – the meeting resumed at 9:35 pm.

D.Trefethen and L.Skinner resumed their roles. Jake Forget will sit out.

- C. Consideration of a waiver request to Chapter 155-15 to consider a Major Subdivision of land as a Minor Subdivision of land for River Valley Development Corp., Assessor's Map N, Lot 8A, zoned R-40, located at Gulf Road. ***(P12-17)**

Christopher Berry, of Berry Engineering & Surveying, represented River Valley Development, who has purchased a parcel of land formerly owned by Steven Woods and Cochecho Waters. Due to prior actions from the previous owner already gave them two strikes against the developer; the intent is not an effort to circumvent the open space. This is a frontage subdivision, no infrastructure design, and no TRC requirement.

Motion: T.Clark motioned to accept the application. Seconded by F.Torr. Vote: 5/4

M.Gasses questioned the first subdivision that was paid for. The person who sold it received a large amount of money; then there is the second subdivision. She stated that this is the third subdivision which is triggering a major subdivision. Her concern is that you will return at a later time, reconfigure this again and pay a much lower fee than if you were to present the entire plan now. You may be circumventing the current use penalty fee.

D.Ciotti questioned what happens to a property taken out of current use under 10 acres.

C.Parker stated Current Use is a tax relief as it is undeveloped land (10 acres or more), which if it is continued as undeveloped land, forests, farms, gets the relief. The property owner is designated tax relief as it remains in current use. When it comes out of its current use, even when a lot is subdivided, and they remain under the same ownership, then they retain current use regulation. The Tax Assessor office does not believe there is a tax benefit to this. It is safe to presume they can subdivide. The Assessor's office does a market analysis and then they use the presumed value. The City's Legal Department and Assessing stated this is legal.

Motion: T.Clark motioned to grant the waiver. Seconded by F.Torr. Vote: 5/4

- D. Consideration and acceptance of a Major Subdivision of land for River Valley Development Corp., Assessor's Map N, Lot 8A, zoned R-40, located at Gulf Road. (3 new lots) ***(P12-17)**

C.Berry gave a brief overview of the proposed subdivision for three new lots. He stated that Mark Jacobs, CWS, CSS, a professional soil scientist, has re-delineated the soil value due to the original wetlands analysis was done in the winter of 2005 by the previous owner. He mentioned the right of way; all properties will be serviced by a shared driveway and adequate for the proposed use.



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D.Trefethen asked about the original access easement which goes to the rear house, and if the access point would be the same for all three lots. C.Berry responded that is the intent.

G.Green asked about proposed lot #3 which leads to the Fish and Game, and he referred back to the last time this was looked at; he asked about the building being moved. The last time this property was reviewed, it was required that the Monte Childs house needed to be removed.

C.Parker stated that was correct, and the other option would have been that they could place a bond, which was done.

D.Ciotti, asked about the triangle piece of land, using access off of Gulf Road; he asked about the number of shared driveways. He questioned that the house was using the same access road. He asked that there would be 5 houses using the same access road.

C.Parker clarified that there would only be four houses using the same access road. There was a house lot merged with the country club property. He stated a neighborhood plan was received by C.Berry today.

D.Trefethen looking at the big plan, questioned the utility access easement. He referred to letters received from neighbors addressing the utility and access easements from Wysteria Drive, to the driveway access, they are expressing concern that it remains strictly as a utility access.

C.Berry referred to C.Parker.

C.Parker stated he spoke to numerous abutters about this, he reviewed the reference plans when the conservation issue came up in 2010 a note was added that referenced Atty. MacNeil's letter which referenced Atty. Boldt's letter, and added note #17. It discussed the primary access on or about the Kings Highway access. C.Parker recommends the same note be added to this plan so there is no question this access is strictly for utility easement.

G.Green asked why we need to approve a waiver before we see the plan.

C.Parker stated if you do more than three minor subdivisions within 4 years, it triggers a major subdivision. In 2010, they had the Conservation plan, and then they had the Child's home site within the last 6 months. This triggered the major subdivision. They could create an Open Space Subdivision, which is what major subdivisions require, or they can ask for a waiver request.

D.Ciotti asked if the taxes can be charged based on the future plans, and are they trying to avoid current use tax.

Mike Patenaude, owner of River Valley Development stated he met with the Tax Assessor and he was instructed by the Assessor to do it this way. He stated he has interested parties in buying some of the property. We cannot determine the amount on the value. Will Corcoran stated to him directly that he won't save any money, but he would be able to get to the plate sooner. M.Patenaude stated it could take 18 months to trigger the current use, get the road approved, get the road in and sell the lots. He is trying to



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expedite the final amount sooner. He stated he cannot get financing on the property until he knows the amount the property is valued at.

C.Parker stated that W.Corcoran advised him that the first line on the Current Use Change Tax states the Use Change Tax will not be assessed until the extent of the change in use becomes determinable. Until we know the extent, they would not access the property anyway. It goes on to say, it is based on the development plan as submitted or as amended and when the plan is subsequently subdivided, that the amendment plan triggers the assessment.

T.Clark motioned to accept C & D. Seconded by F.Torr. Vote: U/A.

Public hearing on Items C & D. Nobody spoke. Public hearing closed.

STAFF RECOMMENDATIONS:

The Planning Department recommends approval of the subdivision 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 revise the plat to add the Planning File #P12-17 to the title block.
4. The applicant shall add the wetland scientist stamp and signature to the plat.
5. The applicant shall revise the plat to add new lot numbers after consulting with the City Assessor.
6. The applicant shall revise the plat by updating note #6 and correcting note #9.
7. The applicant shall revise the plat to add the common note #23 regarding street addresses being assigned by the Building Inspector.
8. The applicant shall revise the plat by correcting note #4 to delete the reference to the Riverfront Residential Overlay District.
9. The applicant shall prepare a plan comparing the new wetlands delineation with the 2005 delineation prepared by NH Soils Consultants. The Planning Board reserves the right to require a peer review at the applicant's expense when a major subdivision application is submitted.
10. Add reference to reference plan #5 to the note about the access easement.
11. The applicant shall revise the plat to add a note 12 to the note section that repeats note 17 of the conservation lot plan (#09-32).

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

12. Any new dwelling units shall be assessed the current impact fees in place at the time of building permit application. Should water and sewer be run they will also pay investment.

Motion to approve by T.Clark. Seconded by K.Schuman. Vote: 5/4.

3. OLD BUSINESS

- C. Review and consideration of the Master Plan Community Visioning Chapter.

K.Schuman stated that this is a requirement by state statute. It provides no guidance on a how-to. The Steering Committee was formed. Early on, this vision was to be developed by the community, not the



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committee. The City Council was authorized to hire a consultant for approximately \$30,000. A previous vision survey was sent out in 2006/2007. The consultant gave his draft report.

G.Green personally thanked R.Hawk and his company for the great job done. He wants to thank the citizens who did show up and participated. He also thanked those citizens that work on boards and volunteer, as they don't give up their rights as citizens to participate on boards. He feels the report is well done and worded in generalities and there is nothing wrong with that.

Chair Gasses feels the appendices need more explanation on how to understand them.

Roger Hawk presented the replacement pictures. He spoke on the comments made, the text and typos that have been corrected. The only things that have changed are the large graphics, and the added final graphics.

R.Hawk commented on Section 7. These are the collective opinions of the community, and their input on the process. The Master Plan, and the City Council has to finalize.

F.Torr talks about the Central Avenue Bridge, street widening, and taking away valuable parking on Central Avenue. The vision is great, but implementing it is another story. He asked about proposals to upgrade the upper and lower squares on Central Avenue.

K.Schuman mentioned a downtown Master Visioning Plan.

Feedback from the Board is to have R.Hawk come back with a final draft. The Public Hearings will be held in 3-4 weeks. The draft is expected back in 1 week, and the final version by July 24 by public hearing. A copy will be available on the City web online, in the Planning Department, the City Clerk's office, and in the Dover Library.

D. Consideration and possible posting of Zoning Ordinance Amendments.

C.Parker referred to two sheets with changes to the Amendments presented on June 26, 2012. On page 4 of 21 of Amendment 6, (stricken through) was the amendment to take a portion of the R12 district between Park Street and Oak Street consisting of 4 lots and changing to the B3 zone. The Board was concerned, so suggesting removing it. And, on page 8 of 21 revised the footnote for the R40 District, Farm Animals has been revised. The fence line can be right up to the roadway, but the animal shelter must be 100 feet from the property line.

Motion: G.Green motioned to post. Seconded by L.Skinner. Vote: U/A.

C.Parker stated that property owner letters have been prepared. Public Hearings will be held on July 24, 2012 and on August 28, 2012.

5. STAFF COMMENTS:

- No workshops for July or August

6. ADJOURNMENT:

Motion: L.Skinner motioned to adjourn at 10:50 pm. Seconded by K.Schuman Vote: U/A.