



**CITY OF DOVER**

## DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Tuesday, September 25, 2012**  
Meeting Time: **7:00 pm**

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

**Staff Present:** Christopher Parker (Planning Director), Gail Pare (Recording Secretary)

*The Chair called the meeting to order at 7:01 pm.*

### 1. CITIZENS' FORUM

*Citizen's Forum open.*

Linda Merullo, 21 Sandy Lane, discussed item #10 of the rezoning which she brought forward in her previous position on the Planning Board. She noted that building set backs were 75 ft, but the legal notice stated 50 ft in the front. She is concerned about parking lots being front and center; it's the building's that should be front and center. She urges this portion of #10 not be approved unless it is tweaked. The other issue she has is the signage. She feels there should be no internally lit signs and time restraints to remove them or change them out.

*Citizens Forum closed.*

### 2. APPROVAL OF THE PRIOR MINUTES

- September 11, 2012 Regular Meeting Minutes, as corrected.

**Motion:** F.Torr motioned to approve the minutes with corrections noted. Seconded by K.Schuman.  
Vote: U/A

### 3. OLD BUSINESS

- A. Discussion and possible vote on proposed zoning amendments to the Zoning Ordinance (Chapter 170), per NH RSA 675:2 & 675:7. The full text of the amendments is available in the Planning Department and at [www.dover.nh.gov](http://www.dover.nh.gov) located under City Documents and View Current City Reports.

Director Parker spoke about two (2) proposed zoning amendments.

1) Parker discussed the Little Bay Waterfront District. A subcommittee for the LBW District stated they are a commercial subcommittee and not a residential subcommittee. Parker reviewed the proposed changes and the needs of the neighborhood. The Planning Board can amend the amendments. The Board could strike "the second story or higher" and could leave or take out the "maximum of four (4) units per lot is allowed."

D.Trefethen thanked Parker for bringing it to the board's attention. He is not sure Dover wants a full commercial district in the LBW District. The neighbors were looking for smaller businesses, like a lawyer's office, a hair salon; they are looking for additional residential units, but not a big commercial district. It allows the current marina and restaurant to expand, and allows for people who live there to do smaller scale commercial businesses and create additional residential units if their lots are large enough.



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Parker stated the current use is the B-1 District, and would add in the Little Bay Marina which is just north of the Little Bay. He listed the allowed uses in the district.

**Motion:** D.Trefethen motioned to strike the footnotes. Seconded by K.Schuman. Vote: U/A.

D.Ciotti confirmed that the intent was not to open up additional restaurants, but to allow the current marina and restaurant to expand.

2) Parker discussed the footnotes on the R-40 table which updates the definition of manufactured housing: Remove mobile home and update with manufactured housing. The previous footnote (10) was permitted only as a customary home occupation. That footnote actually goes to the Office District.

G.Green confirmed that if manufactured housing is a permitted use and that any lot could contain a manufactured home. He agrees with changing the definition. He had previously looked for the legislation, he is only speaking to the R-40, and he does not see anywhere that we have to allow this in a zone. He said we have choices; re: subdivisions, and manufactured housing. He would like to wait and see the correct legislation before voting on any changes.

Parker states there are two elements to the change: 1) updating the term; and 2) brings us in line with the legislative requirement to allow workforce and affordable housing. Parker stated that affordable housing includes both rental units, and owner occupied dwellings, but it should also include the term affordable housing.

D.Trefethen asked about signage in the R-40 District. He questioned the 16 s.f. or 20 s.f. maximum sign area and questioned if it should say “maximum or up to 20 s.f.” He confirmed if it includes the developer’s sign, which is a temporary construction sign.

Parker stated that there is a sign regulation for contractor’s contact signs.

K.Schuman asked about the development signage and feels there are public safety concerns with the size of some signs.

Parker responded that changes recommended in the site regulations and in the sign ordinance have illumination standards and the staff is working with the current owners. The applicant is working with the sign manufacturer to bring the sign into compliance. Parker asked the Board if they want to create a scenario in the B-4 districts that are clearly auto centered, and make them building centered.

Discussion ensued about front setback and build-to requirements.

K.Schuman is generally in favor of build-to lines.

G.Green served on the subcommittee, and felt that the Chair brought up a good point about handicap parking. The same project has an internally lit sign. If you eliminate parking out front, you may have handicapped parking further away from the main entrance.

D.Ciotti stated that there needs to be more work on amendments before making additional changes.



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**Motion:** D.Trefethen motioned to table until a later date. Seconded by L.Skinner. Vote U/A.

### 4. NEW BUSINESS

- A. Consideration and acceptance of an Open Space Subdivision of land for River Valley Development Corp., (Owner: Gulf Landing Properties LLC) Assessor's Map N, Lot 8-A, 8-A-A, 8-A-TM1, and 8-A-TM2, zoned R-40, located at Gulf Road. (20 new lots) \*(P12-20)
- B. Consideration and acceptance of a Conditional Use Permit for River Valley Development Corp., Assessor's Map N, Lot 8-A, zoned R40, located at Gulf Road (steep slopes, wetland and buffer impacts) \*(P12-25)
- C. Consideration and acceptance of a Minor Lot Line Adjustment for River Valley Development Corp., Cochecho Country Club and First Hole, LLC, Assessor's Map N, Lots 8-A, 15 & 16, zoned R-40, located at Gulf Road. \* (P12-30)

Atty. James Schulte presented for the applicant. He will present all three items at the same time and answer any questions of the Board.

The proposal is for a 20-lot subdivision, a request for a conditional use permit, and a lot line adjustment to add land to the Cochecho Country Club.

The minor lot line adjustment is on the westerly side of the project and Wisteria Drive is on the East side. He noted that the residents along Wisteria Drive would not like any more traffic added to their area. The plan would include moving the access further down Gulf Road to the east, and proposing a new boundary line, which is where the new entrance to Gulf Road would be. They are requesting two waivers for the subdivision and one waiver for the lot line adjustment. An existing gravel drive connecting Wisteria Drive, and a 50 foot piece of land will be reserved for any new access roads. This property was subject to a couple of approvals in the past and there were restrictions to the plan.

The access road would be paved and have a gate. A letter was presented from Fire Chief Richard Driscoll for a secondary emergency access road. A copy of the letter is on file in the Planning Dept. The waiver was requested because the City shows 1,000 ft and the length of the drive is 1,600 ft. The access along Child's Drive has a better line of site.

The second waiver is a waiver of two locations relieving them of the 50 foot buffer. The country club would rather have full use of the land. In particular, the line would have to be moved back closer to the country club and they are in favor of waiving the 50 ft buffer. The State permits have been applied for. The driveway permit has been submitted, and a drainage report is under review.

The lot line adjustment is also needed so that the golf course will be able to relocate a green and move a couple of tee boxes back to lengthen their holes. A golf course architect has been hired for the design of the green relocation. An agreement will be signed before final approval.

The Board required a survey of both properties. The applicant has submitted a survey for one parcel and they are requesting a waiver so they don't have to resurvey the golf course property.



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Mike Patenaude, River Valley Development, Corp., and Chris Berry, Berry Surveying and Engineering, were available to answer questions.

Parker confirmed where the 1000 ft. line would be and that connectivity would still be possible.

J.Schulte stated there are some topographical issues and ledge in the southwest corner of the property. It would be difficult and expensive to develop a loop road.

L. Skinner confirmed with Parker if the Planning staff has received the land exchange agreement with the Cochecho Country Club in writing. Parker stated that they could not finalize the sale without an agreement and the lot line adjustment would be part of the approval. You would have to approve all three and make the subdivision contingent of the lot line recording.

D.Ciotti stated the Lot Line Adjustment is subject to the 50 foot buffer, and if you accept the lot line adjustment, you are accepting the 50 foot buffer.

Parker stated the subdivision plan was clarified from the new lot line, and not the old lot line adjustment.

J.Schulte stated if you don't grant the waiver, they would have to readjust lot lines in two locations.

K.Schuman confirmed with C.Berry regarding the northwest corner buffer area and the larger environmental impacts.

C.Berry discussed the process used and the impacts to the environment.

K.Schuman asked Parker about the waiver request for the cul-de-sac length, and should there have also been a waiver request for the connectivity.

Parker responded if the access road is a minimum 20 feet wide, if the connector is paved and no gate, than we have achieved connectivity and there would be no need for a waiver request. Fire Chief Driscoll is requiring that the secondary access road be a paved road due to the weight of the equipment and the concerns of slippage of City emergency equipment on the gravel road.

G.Green confirmed with M.Patenaude that the gravel road was built when Patenaude was building homes on Wisteria Drive. Patenaude stated he had a ledge blasting issue. The original gravel road was outside the buffer zone and he connected the two pieces of property through the access road which he owns, essentially moving gravel from one property to the other property.

D.White confirmed with J.Schulte that the 50 feet buffer had been reduced to zero. He asked Schulte if they would consider another number.

J.Schulte stated that the golf course architect needs a minimum area to do what they want to do.

C.Berry stated he does not have the plans from the golf course as to where they want to move the green.

*K.Schuman left the meeting at 8:11 pm.*



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**Motion:** F.Torr motioned to accept Item A, B, and C. Seconded by Skinner. Vote: U/A.

*Public hearing open.*

John Murphy, 207 County Cross Road, is representing the Country Club as President of the Cochecho Country Club. The club's perspective is about the lot line adjustment, which is a moving target. To clear up some issues, there is no intent in the next 5-10 years to expand. It is a very lengthy and very expensive project if the green is moved. They don't want to encroach any closer to the homes. There is a letter going back and forth, which spells out the agreement between First Hole, LLC, and the River Valley Development Corp. They are working with the abutters to come to an agreement.

Richard Connelly, 24 Wisteria Drive, thanked the Board and the Mayor for the opportunity to voice his concerns. He bought his home 5 years ago in the neighborhood consisting of 6 lots. He understood there would be a utility easement and an emergency access road. He is concerned that if the access road is approved, and if it is necessary to waive the length of the cul-de-sac lengths by putting in a secondary access, that it impacts the preexisting access to Wisteria Drive. He feels that a subdivision of 20 lots is going to create a lot of run off, most of which will go through Mr. Bent's, or Mr. DellaPenta's property, on its way to the Cocheco River. He questions the well systems and the septic systems with that amount of runoff. He discussed a list of conditions of approval from the August 24, 2005 approval and the current status of some of these conditions. He spoke about the safety issue to Gulf Road. Connelly discussed a TEC Engineering letter dated August 5, 2005.

Charlie Reed, 262 Gulf Road, lives across the road from Wisteria Drive. He is in agreement with Mr. Connelly. He asked that the extension for the cul-de-sac be denied and the connectivity be denied. The connectivity was always to be for emergency purposes only and gated. He doesn't think it is in the original location.

John Bent, 18 Wisteria Drive, clearly wants River Valley Development to create a good neighborhood. He is against the concept of a paved road without a gate which will get used and increase traffic on Gulf Road, causing safety issues for those who live there, and for those who travel on Gulf Road.

Janet Connelly, 24 Wisteria Drive. This is the first time she has heard of the plan to pave the road and have an un-gated access road. Wisteria Drive is a private road, not owned by the City, and the City does not plow or maintain it. It does not meet the required width to be called a City road. She would like the Planning Board to actually see the water runoff.

The Chair read a letter received from David DellaPenta in opposition of the plan.

*Public hearing recessed.*

Parker recommends the Board table all three applications and schedule a site walk. He will send minutes from the Wisteria approval, the traffic studies, and the 2010 Norway Plains report.

D.Ciotti asked about the road being moved. Parker will review previous aerial photos and compare the data. He also asks if there have been any accident reports since 2005. The Police Department will look at speed limit signs, and intersection signs.



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K.Schuman asked for a punch list before the next meeting. The next regular meeting is scheduled on October 23, 2012.

D.Trefethen asked if the right of way is showing on the previous Wisteria plan.

G.Green asked about the connector road and if it requires permits or standards to upgrade.

D.White confirmed it was a dirt road with a steep slope going up to King's Highway, which Mr. Patenaude added gravel to.

**Motion:** F.Torr motioned to table all three applications until the October 23, 2012 meeting and hold a site walk. Seconded by D.White. Vote: U/A

A site walk is scheduled for Saturday, October 13, 2012 at 9:00 a.m. Board members should park on King's Highway off Gulf Road.

- D. Preliminary public hearing per Chapter 155-22-C, 1 for consideration and acceptance of an Open Space Subdivision of land for Salmon Falls Holdings, LLC, Assessor's Map 11, Lots 16 & 16-1, zoned R-12, located at Arch Street (3 duplexes) \*(P12-28)

C.Berry of Berry Engineering presented for the applicant. He discussed the proposed Open Space Subdivision, which a yield plan is required. A conventional subdivision is a six lot residential subdivision on a residential street. The proposal would be to take a no lot line subdivision and create 3 duplex units (6 unit's total) and create one 18 foot driveway. The applicant is trying to create a streetscape affect instead of an urban sprawl affect. In this zone, build-to lines are allowed which will create a neighborhood feel.

T.Clark confirmed with Parker about the land use history of this side of Arch Street. The property is a 3-acre vacant lot which was rezoned two years ago by the Planning Board. The application allowed the three units to be removed and rebuilt. The applicant came back in and asked to subdivide. The Board must decide which is better. Staff worked with the developer on the additional parking concerns.

K.Schuman asked about Lot #16 which has the parent house on it and will be removed. The driveway will straddle the lot line. The unit count remain the same in both scenarios.

**Motion** F.Torr motioned to accept the application. Seconded by K.Schuman. Vote U/A.

*Public hearing open.*

Janis Yuskaitis, owns 34 Arch Street, and just moved in. She was unaware of the proposed plan for Arch Street. If she had to choose, the Open Space Subdivision proposal is the better of the two.

Jane Sherwood, 43 Arch Street, lives across the street. It took over a year to rezone Arch Street. She wondered why Mr. Brandt said he had no plans to develop. She spoke about the change to the entrance of Arch Street and Washington Street. There are 10-12 cars backed up during the day. She is 100% opposed.



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Carol Boc, 8 Arch Street, stated there are so many unknowns about the entire proposal. She asked what the price ranges of the apartments will be.

George Sherwood, 43 Arch Street, expressed his frustration over the rezoning and his desire to see only single family residences.

Peter Driscoll, 41 Arch Street agrees with Sherwood. They did the right thing going to the Council, and the residents are frustrated that it is being changed.

Henry Brandt, owner and developer of 40 Arch Street, stated that almost unanimously the abutters agreed he has the land and has the right to develop. The abutters would like to keep their neighborhood compact and minimize the impact the development has to Arch Street.

D.Ciotti confirmed with Brandt if the units will be sold or be rentals. Brandt stated his goal is to sell them, but they may be rentals to begin with.

Cathy Vanderweil, 20 Arch Street, states it's been difficult to believe Mr. Brandt. A lot more info needs to be gathered. She feels uneasy as to how it was approached and feels the 27 bedrooms and 2 cars per unit is a lot of density for the neighborhood.

Nancy Coady Carroll, 17 Arch Street, urged the Board not to vote tonight and to seek more information.

Attorney Chris Boldt, of Donahue, Tucker & Ciandella stated it is important to remember, that the Open Space Subdivision is not a violation of the ordinance. This plan prevents the back land to be used as access to Arch Street which runs behind these abutters. It is the best possible solution for the neighborhood. It is a reasonable request.

*Table the public hearing.*

**Motion:** D.Trefethen moved to recess the hearing for more information. Seconded by K.Schuman. Vote: U/A.

Parker stated this is a single family district. There are two options. The previous plan three years ago was for 24 units. There are two six-unit plans on the table. The options are six single family detached units with a road; or six units clustered together which the subdivision allows for. Which is more complimentary for the neighborhood? If you table it, what additional information is needed?

G.Green asked if the Board chooses Open Space Subdivision (OSS), is it the end all.

K.Schuman understands the abutters concerns. The burden is on the Board to decide which option is better. He asks the developer to give a complete streetscape view of the proposed buildings.

L.Skinner questioned the staff, given the two possibilities, what obligation does that put on the Board after choosing an option.

Parker states it's a gentleman's agreement, but you are not guaranteeing any approvals. He understands Schuman's point for the abutters, it is a good idea, but rather uncommon as a requirement.



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D.Tarbox commented that if the developer could give any renderings it would help.

G.Green recommends the OSS which eliminates future development on the back side of the lot. It gives the residents more open space.

T.Clark asked Parker to give guidance to the developer and to the Board. Parker feels the OSS is the better option.

J.Forget said if the developer chooses an option, can the developer change his mind; can this mandate.

Parker stated there is no legal binding agreement. It's a gentleman's agreement.

D.Trefethen reviewed what neighbors would see from across the street and he disagrees that a cul-de-sac is out of character for the neighborhood. He would opt for a traditional subdivision.

D.Ciotti was happy to see this recommendation come through allowing feedback from the Board. He is disappointed in what was submitted. It is an opportunity to do something big in Dover, to bring forth a plan that is appealing to the City, the Planning Board and the abutters. The plan needs more detail and more definition.

D.White follows Trefethen's path. There are unanswered questions. The plan set that was developed is for an OSS and not the yield plan. He questioned if they opt for the OSS, is a loop road necessary. He wants to see more details.

### 5. STAFF COMMENTS:

- Community Planning Grant Award - Award of Bid.
- Wednesday, October 3, 2012, a Joint CIP workshop with the City Council will be held at 7 pm. at the McConnell Center – Room 305. The CIP books ready at 2 pm on Thursday. The procedure will start on October 9, 2012, and then hold a public hearing in November.
- Parker passed out the CIP sheet and what is the Planning Board role in financing. This is last years proposed CIP.  
G.Green mentioned there have always been procedures in the CIP, but procedures can change. A letter received from Brian Stern went into great detail in paying better attention to the finance details.  
D.Ciotti asked G.Green to bring forth recommendations to the Board.
- October 9, 2012 there will be a van tour at 5:30 pm. and the CIP will be reviewed at the workshop at 7 pm.
- Comments were made on political signage.
- October 13, 2012 at 9:00 a.m. – joint site walk with the Conservation Committee for the Gulf Road OSS, Conditional Use Permit and Minor Lot Line Adjustment for River Valley Development Corp. (P12-20, P12-25, and P12-30)

### 6. ADJOURNMENT:

**Motion:** L.Skinner motioned to adjourn at 10:41 pm. Seconded by D.White. Vote: U/A.