



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, November 27, 2012**
Meeting Time: **7:00 pm**

Members Present: Dennis Ciotti (Chair), Dean Trefethen, Mayor; Frank Torr (Vice Chair); Tom Clark, Gary Green, Kirt Schuman, Dave White, Lee Skinner, John Leggett.

Members Not Present: Jake Forget, Dexter Tarbox (Alternate).

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

The Chair called the meeting to order at 7:10 pm.

1. CITIZENS' FORUM

Citizen's forum open.

Charles Gravely, 63 Watson Road, spoke in general about the condition of Tolend Road and would like to know when it will get fixed.

D.Ciotti advised Mr. Gravely that the CIP includes the reconstruction of Tolend Road which is scheduled for the Spring of 2013, pending approval by the City Council at its December 12, 2012 meeting.

Citizens forum closed.

2. APPROVAL OF THE PRIOR MINUTES

- October 23, 2012 Workshop Minutes
- November 13, 2012 Regular Meeting Minutes

Motion: F.Torr motioned to approve both the October 23, 2012 and the November 13, 2012 meeting minutes. Seconded by K. Schuman. Corrections were made by G.Green. Minutes were revised.
Vote: U/A

3. OLD BUSINESS

- A. Request for an additional one year extension of a Conditional Use Permit and phasing plan of Thornwood Commons, (Owner: Chad Kageleiry & John O'Neill) that expires on 12/19/2012, Assessor's Map M, Lot 4 and Map K, Lot 19 & 19-1, zoned ETP, located at Middle Road and Thornwood Lane. (P06-51)

Chad Kageleiry, owner of the property, along with John O'Neill spoke about the request for a one year extension to redesign the phasing plan as presented at the November 13, 2012 meeting.

Chair Ciotti asked about the timeframe.

C.Kageleiry stated that there would be a subcommittee formed and once the scope is clear, a revised plan would be submitted at that time.

Atty. James Schulte represented John O'Neil and commented that at the previous meeting there were discussions about the number of units which cannot be occupied. He stated that there needs to be relief so



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that tax revenues can move along. In December, they will present to the ZBA for a variance. He asks that the Planning Board consider and approve this part of the project prior to the ZBA approval for the variance.

D.Trefethen asked if they are looking for complete removal of that restriction or a modification to the number.

Atty. Schulte stated he is looking for either 48 units or 46 units of the units to be completed. There was discussion of going up to 50% build out. The number comes from the original development plan, which allowed for a certain number of congregate care units, with an additional 62 separate residential units. They would like to finish out the 46 or 48 units. He will ask the ZBA for approval on 46 or 48 through a variance.

D.Trefethen said he does not have a problem with 75% occupancy.

Chair Ciotti stated that the Planning Board would be flexible with that number.

C.Parker discussed what was in the developer's agreement and the percentage to be complete. He asked the Planning Board if they agree with the occupancy percentage and that they would back it at the ZBA meeting.

Chair Ciotti confirmed that this relates only to the 55+ aged units.

C.Parker stated that the Council will be approving the Zoning amendments that this Board has already approved.

Chair Ciotti asked about the 50% build out and is that amount carried over to the new proposal.

C.Parker stated that is the final end all. We need to remember that 2005-2006 were different worlds than 2012. The ordinance would have been written differently if at all.

John Leggett spoke about the ordinance and that today is not forever.

D.Trefethen confirmed with C.Kageliery that the one year extension is enough time to move forward.

Motion: D.Trefethen motioned to approve the one year extension. Seconded by L.Skinner. Vote: U/A.

Discussion after the motion.

D.Trefethen asked C.Parker how to proceed with the ZBA.

C.Parker felt a general show of hands would be appropriate.

Motion: Chair Ciotti asked the Board vote by a show of hands, that they recommend this to the Zoning Board. Vote: U/A.

Chair Ciotti asked C.Kageliery to provide C.Parker with a list of names he would like to see on the subcommittee. He would like that list by December 18, 2012.



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The Planning Department recommends the Planning Board approve the Conditional Use Permit and phasing plan extension request with a new expiration date is December 19, 2013.

4. NEW BUSINESS

A. Consideration and acceptance of a Conditional Use Permit for International Car LTD and M & E Jespersen Realty LLC, Assessor's Map K, Lot 40-C, zoned B-3, and located at Stark Avenue and Dover Point Road. (20% slope impact of 10,700 square feet) *(P12-35)

D.White recused himself from the case.

Doug Larosa, Trittech Engineering, represented the applicant and gave a brief overview of the request for a Conditional Use Permit to stabilize 10,700 of a steep slope.

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

F.Torr asked C.Parker if screening is still required. He thought this had previously come forward, including screening and paving.

C.Parker confirmed that this is a separate project.

D.Larosa stated it is also a separate parcel. He confirmed this is the parcel directly behind Dover Auto World. This parcel has the convenience store on it. He explained the reason for the request is to maintain the slope and make sure there is no erosion.

Public hearing open. Nobody spoke. Public hearing closed.

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

1. The applicant shall install the silt fence as shown on the plan prior to construction.

Motion: G.Green motioned to approve the Conditional Use Permit. Seconded by T.Clark. Vote: U/A.

B. Consideration and acceptance of an Open Space Subdivision of land for Graystone Builders, Inc., (Owner: Michael & Cherylee Rosholt) Assessor's Map E, Lot 37, zoned R-40, located at 84 Watson Road. (Subdivide an existing lot into seven lots) *(P12-34)

Chris Berry, Berry Surveying & Engineering spoke on behalf of the applicant and the property owners. He gave an overview of the survey that was done in the Spring of 2012 and identified the location off of Watson Road. They propose six new structures. He explained that most of the developable land is to the rear and to the north of the property. He discussed the 50 foot buffer zone. They are asking for a waiver of the buffer to the front. The idea is to reduce the number of units that are visible to the public. This allows for a neighborhood design, and it will be better for the buffer, better for the neighborhood. The design is a little challenging. Traffic counts were done but traffic studies were not presented. A speed study was done today (11-28-12) but results are not available. The plan was recently discussed at a TRC meeting. A final traffic analysis will be submitted. C.Berry stated that buffers to the jurisdictional wetlands must be considered as they look for ways to reduce buffer impacts. The developer wants to create a neighborhood environment



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on a cul-de-sac, a sense of community. There would be a small amount of jurisdictional wetland impact to the rear and to the front. He pointed out that the design has changed, which includes moving the road slightly. There is about 1,070 sq.ft. to be rebuilt, and a new buffer design will be done that lessens the impact to the abutter to the north. He advised the Board that there is an alternative design which pushes the units closer together. He spoke about the water line and whether it is needed. He stated that the sewer line is already located on Watson Road and on Cardinal Drive. The design can support wells, septic systems and is approval by the NH Dept. of Environmental Services.

D.Trefethen questioned the no-cut buffer on Lots 4 and 6.

C.Berry discussed potential screening where the City would not require it, as an amenity to some lots.

D. Trefethen confirmed with C.Berry that the open space is strictly with the 6 new lots. There would be no other way to further subdivide for future land owners.

D.Trefethen confirmed with C.Berry that it would be cost prohibited to bring in sewer from Cardinal Drive.

F.Torr asked if there are hard copies of the plan. C.Berry confirmed he did not have them.

C.Parker was concerned about the two houses that back up against the buffer area and stated that he would prefer to have the homes separate from the buffer area. He mentioned having a street in the middle is more of a shield. The yield plan is 7 lots for either plan.

C.Berry stated that the plans are mirror images.

J.Leggett commented on the issue on lots 4 and 5 and questioned driveway locations.

D.White provided info on the sewer from Cardinal Drive. The City has looked at where the sewer could be extended from. He stated that as shown on the neighborhood plan, the sewer could possibly be extended all the way down through Upper Factory Road. The easement was left on Cardinal Drive so it would provide for extensions. Water is on Watson Road and Tolend Road.

C.Parker stated he will get a sewer plan out to Board members prior to the site walk.

C.Parker confirmed for G.Green that there is no continuous easement, and that there is a reason to bring public water up the road. Public water is needed to service the properties, and the obvious reason, if for no other reason, is for fire safety, plus insurance rates would go down for the homeowners.

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

Public hearing open.

Bob Marston, 11 Cardinal Drive, stated that he is caught between a rock and hard place. He doesn't want to sacrifice his beautiful back yard, and he doesn't want to see two houses behind him. He would have to sacrifice the buffer and have a road go through it, or have two houses behind his home. He suggested having the two proposed homes moved.



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Dana Lynch, 37 Cardinal Drive, passed out a letter he wrote to the Board. He discussed the perimeter buffers with encroachments. He is concerned about lots 4 and 6. He spoke about wetland buffers, and the Zoning ordinances in regards to the dumping of snow into the buffers. He stated that granite curbing is not required by the City.

Andre Theriault, 33 Cardinal Drive, had questions about the Bryson Purchase Association, regarding drainage, repairs, maintenance of the system, and payment for modifications. He asked if the P & S would require mandatory HOA participation on all the deeds. He asked about the drainage easement for Lot 6 and will the building clear cut this lot or any other areas around that drainage area. He requested to see the landscape architect plans once available.

Michelle & Charles Gravely, 63 Watson Road, share driveways with the 67 Watson Road abutters. She feels that the lots and driveways are crammed in (lots 4 & 6), and it encroaches their driveway and the neighbors. She had traffic concerns, and is concerned about traffic patterns. She questioned drainage in the easement area. Mr. Gravely asked if the City would require a tie in to the existing city sewer.

Recess the public hearing.

Chris Berry addressed the public's concerns. He stated that is not an encroachment to the rear buffer. The proposed plan has a large impact. The developer wants a public road system that is curbed and is 24 feet wide. They do not want a public road. There will be a full width buffer. The developer wants a nice buffer, just like the abutters want a nice buffer. The proper size of lots 4 and 6 could stand alone. There is a 30 foot area which overlaps with the perimeter buffer. Jurisdictional impact would be a minimal impact crossing and they would work with the Army Corp. of Engineers. All sites support a sewer disposal system and the site has been test pitted.

F.Torr asked if there were any consideration to have fewer lots.

C.Berry stated that it was never a consideration.

D.Trefethen followed up that he would like to see the number of lots reduced.

G.Green doesn't understand why we need a 100 foot buffer for a building that already exists.

C.Parker replied that it should be revised; The Board could recommend changing the regulations to state "no waiver required."

C.Parker stated they will continue to work with the applicant on the utilities (water/sewer). If this is a conventional subdivision, there would be no setbacks. Because of the OSS, the 50 ft buffer would be required. In 1999 things were different. This is a continual issue that the Board needs to deal with. He recommends tabling the item and scheduling a joint site walk with the Conversation Commission. (The Conservation Commission meets on December 10th).

Motion: K.Schuman motioned to table and schedule a site walk. Seconded by L.Skinner. Vote: U/A.

The Site walk was scheduled for Saturday, December 8, 2012 at 9 a.m. – (park on Cardinal Drive on the circle.)



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C. Consideration and possible posting of amendments to the land use regulations.

C.Parker reviewed the eight (8) amendments to the land use regulations.

- #6 clarify that when a new road is constructed, utility lines will be buried.

Board discussion ensued about street lighting.

D.White recommended leaving the wording of 6B as is. Board discussion ensued.

Motion: D.White motioned to strike 6B. Seconded by G.Green. Vote: U/A.

Discussion on the motion.

G.Green directed the Board to #8 under the Subdivision regulations, and #9 Site Review. He commented that he is concerned with the 200 foot amount.

D.White questioned page 4 of 5 – he questioned what it means.

C.Parker stated that the City does not allow properties on a private road to not have public frontage.

Motion: D.White motioned to post as amended. Seconded by L.Skinner. Vote: U/A.

C.Parker reviewed the Site Review amendments. He stated that only items that are additions need to go to the Planning Board.

Motion: T.Clark motioned to post as amended. Seconded by F.Torr. Vote: U/A.

5. STAFF COMMENTS

- The City Council is holding a Public Hearing on the Zoning Regulations on Wednesday, November 28, 2012. Planning Board members are welcome to represent the Board at the meeting.
- The Northern Rail Passenger meeting was held on November 27, 2012. The Downeaster has a new scheduled stop at Freeport, Maine. 30 people attended the meeting.
- Economic Action of Dover quarterly newsletter was handed out, it includes the Master plan visioning on the front cover.

6. COMMITTEE REPORTS

7. ADJOURNMENT

Motion: L.Skinner motioned to adjourn at 9:43 pm. Seconded by T.Clark. Vote: U/A.