



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, August 27, 2013**
Meeting Time: **7:00 pm**

Members Present: Dennis Ciotti (Chair), Kirt Schuman (Vice Chair), Frank Torr, Lee Skinner, Gary Green, Dean Trefethen, Mayor; Deborah Thibodeaux (Alternate), Catherine Plante (Alternate).

Members Absent: Tom Clark, Dave White, Dexter Tarbox.

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

The Chair called the meeting to order at 7:00 pm.

1. CITIZENS' FORUM

Citizens Forum Open. Nobody spoke. Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- July 23, 2013 Regular Meeting Minutes.

Motion: K.Schuman motioned to approve the July 23, 2013 regular meeting minutes. Seconded by G.Green. D.Ciotti made a motion to amend the minutes to add Catherine Plante present at the meeting. Seconded by C.Plante. Vote: U/A.

The Vice Chair announced that the next three items will not be heard.

3. OLD BUSINESS

- A. Impact Fee Waiver Request for Cocheco Mills Holdings, LLC, Assessor's Map 2, Lots 37 & 37A and Map 3, Lots 63, 63B & 66 located on 100 Main Street.
- B. Consideration and possible vote on a Conditional Use Application for STF Development Corp., Assessor's Map 20, Lot 37, zoned RM-U, located at 3-5 George Street. (proposed 6-unit residential building with wetland buffer and steep slope impacts) *(P13-15)
- C. Consideration and possible vote on a Site Review of land for STF Development Corp., Assessor's Map 20, Lot 37, zoned RM-U, located at 3-5 George Street. (Proposed 6-unit residential building) *(P13-03)

4. NEW BUSINESS

- A. Consideration and acceptance of a Site Plan Review for STF Development (Owners: Everett Taylor, etc.), Assessor's Map I, Lot 12, zoned RM-SU & R-20, located at 72 Durham Road. (12 dwelling units within 2 buildings & 36 parking spaces) * (P13-37)
- B. Consideration and acceptance of a Conditional Use Permit for STF Development (Owners: Taylor Family), Assessor's Map I, Lot 12, zoned RM-SU & R-20, located at 72 Durham Road. (11,934 sq. ft. of permanent and 1,000 sq. ft. of temporary impact to wetlands buffer for construction of driveway and retaining wall) * (P13-38)

The next two items will be heard together and voted on separately.

Christopher Berry with Berry Surveying and Engineering represented the applicants and stated that a prior applicant had proposed some zoning variances on this same piece of property. They are not requesting any variances on the property at all and not asking for any waivers. Wetland Scientist, Damon Burt went out and flagged the wetlands on site. A proposed installation of a 6 ft. fence around the entire boundary line will help with placing buildings away from the boundary line and will help with the usability of the land. It places some distance between the boundary line and the pervious surfaces to allow us to install vegetation, which will help mitigate drainage concerns. The



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entrance road is proposed not to encroach on the abutters or the wetland buffer impacts. He stated that they have no jurisdictional wetland impact on the property at all with their design. He stated that he knows the abutters concerns at The Garrison and they have storm water concerns off their site and groundwater concerns. Sump pumps will be reviewed and we will take a look at the discharge points and how it may impact the property. He mentioned the conditional use permit application and he stated that the existing single family home on the property will remain and be converted to a duplex.

D.Trefethen questioned how he is handling the new storm water that will be generated. He confirmed that they only have one catch basin and it is at the north east corner of the parking lot.

C.Berry stated that this site is not typical from a storm water management standpoint. The site is a field that has very poor soils on it. What isn't wetland, the upland areas are also poor soils. The field takes up the vast majority of the property. He stated that they are calculating drainage and how this will actually be decreased because the land area that they are covering up with pavement is off set with the wooded areas.

Discussion continued regarding the drainage and the wetlands.

D.Trefethen confirmed that the walkway for the end units shown on the plan will actually be the retaining wall. The decks that are up one level will not have access in the back. They will not have garages.

D.Ciotti asked about the duplex and what it will look like when completed. He confirmed that the existing driveway will be redesigned off what they are calling Debaos drive, which will be one curb cut.

C.Berry stated that a building permit is in place for the conversion. A rendering of the duplex will be submitted at the next meeting.

D.Thibodeaux questioned the 12 units that will be built, and the two that will be rehabbed. Will this be considered the same project that was submitted asking for 14 units?

C.Berry stated that he has to discuss with C.Parker, but in past projects this has not been counted toward the yield of the property and will have to see how the overall density is calculated.

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

Public hearing open

Alfred Catalfo, 82 Durham Road and 78 Durham Road expressed concern with his property and the drainage and water runoff. He asked what is going to happen to the south side of the property.

Tom Southworth, 56 Durham Road, Unit 26 is concerned about noise and trash and his number one concern was drainage and what will happen to the water when this is developed.

Giuseppe Bellavita, 56 Durham Road, Unit 75 stated that drainage is an issue. He asked if a real study of the actual conditions of the drainage could be submitted.

Charlene Cortemanche, 56 Durham Road, Unit 47 and President of the Association stated that the water is a serious problem and sump pumps go every day. She expressed concern with the parking, plowing, a swale and the lighting. She also felt that the traffic entering and exiting the driveway will cause a safety issue. She added that the back decks will take away their quiet space and will certainly impose a great deal of quality of life.

Pauline Hanson, 56 Durham Road, Unit 4, also concerned with the drainage. When her unit was built there was a sump pump hole built in the foundation at the time. They knew there was a water problem at that time.

Rita Taylor, 68 Durham Road stated that most of her concerns have been addressed by the prior abutters. She added that she is located in a low spot and all of the water from the condominiums comes from the back and ends up in the front of her property. She asked how the water will leave the south side of the property and asked about



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the lighting. She continued with the safety concern of people walking on the street and adding the additional vehicles will make this a worse situation. She asked about a traffic study.

Marie Hersman, 56 Durham Road, Unit 28 stated they have a big problem with slugs all year because of the water and unable to grow anything in the back yard.

David Nollet, 56 Durham Road, Unit 4 expressed concern with the trash receptacles by his unit.

R.Catalfo expressed concern with no sidewalks for children walking to school.

Public hearing tabled

C.Berry addressed concerns from the abutters and stated all of this information goes to the City Engineer and the work is reviewed. This is an existing conditions plan that he personally located topography and the wetland flags and realizes how much water is on this site. I understand where the wetlands are and where it puddles and we will continue to work with the abutter's and Engineering staff. He encouraged members of the association that do have sump pumps that point at their proposed site to get in contact with him so they can review them and make sure what they are proposing will hand that type of flow. He stated that he will provide a site distance plan at the next meeting. He added that these units will be two to three bedroom units. He continued to address concerns regarding the south side and stated that the only thing being constructed on the south side is the duplex.

D.Ciotti confirmed with C.Berry that the existing house will be converted and will be a two story structure.

K.Schuman confirmed that a shed located on the property is in the wetland buffer and will be removed.

D.Trefethen asked about the sheathing of the driveway to the north. He stated that he could see why they placed the sidewalk and the curbing on the driveway. He added that you may want to consider putting the sidewalk on the opposite side of the road and have it go to the south. He applauded C.Berry for working with the existing condo owners and with the sump pump output. He asked if there is some way that you can directly capture the output of those sump pumps, so they are getting drawn away even further away.

C.Berry stated that he will do a detailed analysis of where each one of the lines pumping to and from discharges. The reason for the swale is in order to travel it through and under the proposed infrastructure. Discussion continued.

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board accept the application, open the public hearing and postpone the application until the September 24, 2013 meeting, so that a site walk can be scheduled.

S.Bird stated that the applicant did appear before the Conservation Commission and is interested in the site walk with the Planning Department.

After further discussion it was determined that the site walk will be September 3rd @ 6:00 pm.

D.Trefethen mentioned that for the next agenda the conditional use application should be first.

D.Ciotti stated to C.Berry that they want to see the center line of the buildings and where the catch basins will be and also where the sump pumps are discharging and the lay out of the light poles.

Motion: D.Trefethen made the motion to table. Seconded by K.Schuman. Vote: U/A

- C. Consideration and acceptance of a Conditional Use Permit for Zone 5, LLC (Owner: Richard Conley), Assessor's Map N, Lot 8-3-2, zoned R-40, located at 24 Wisteria Drive. (Planting of tree and installation of 10 ft. by 24 ft. cobblestone pull-off area within wetlands buffer) * (P13-39)



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David Gridley applicant stated that they already planted a Spruce tree in the wetlands buffer to replace some large pine trees that had come down over the last few years. We didn't realize that it was in the wetland buffer. We also need a permit for a cobblestone turnaround that is located in the buffer.

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

D.Gridley explained the reason for the cobblestone turnaround and his meeting with the Conservation Commission.

L.Skinner confirmed where the spruce tree and cobblestone turnaround are located.

STAFF RECOMMENDATION:

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

1. The applicant shall submit a plan for using a pervious material around the cobblestones.

Public hearing open. Nobody spoke. Public hearing closed.

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

- D.** Consideration and acceptance of a Minor Lot Line Adjustment for David & Janet Goodwin (Owners: Janet Goodwin and Tim & Alisa Karwowski), Assessor's Map M, Lots 79 & 79-A, zoned R-40, located at 7 & 23 Dover Neck Road. * (P13-40)
- E.** Consideration and acceptance of a Minor Subdivision for David & Janet Goodwin, Assessor's Map M, Lots 79-A & 79-B, zoned R-40, located at 23 & 27 Dover Neck Road. * (P13-41)

Both cases will be heard at the same time and voted on separately.

D.Thibodeaux stepped down.

Doug Larossa with Tritech Engineering represented the applicant and stated that the applicant would like to do a lot line adjustment with his neighbor that will adjust the lot lines between two existing lots. 1,928 sq. ft. will be transferred from Lot 79 to Lot 79-A. This will give him additional frontage in order to subdivide his two existing lots into four lots.

Motion: F.Torr made the motion to accept items D and E. Seconded by K.Schuman. Vote: U/A

Public hearing open

Attorney Gregory Wirth representing the Beaudoin Family 2009 Trust, 374 Middle Road. Joyce Beaudoin is in attendance tonight and she and her husband have owned their property since May of 1980. In 1986 they installed a fence on their property line between an existing hub and an existing iron pipe. and it was also installed on the rear property line of the abutter. They have maintained their property right up to the fence. It was brought to their attention that a claim was being made that their rear property line was 22 ft. closer to their house than the fence sits. A research was completed and it confirmed the fact that their boundary line is where the fence currently sits. This is not the intention for them to object the current application they just want to make the record clear that the location of the rear property line is where the fence is located.

L.Skinner asked Attorney Wirth why he thinks that the Planning Board has to consider resolving this problem.

Attorney Wirth said this is not a forum to resolve the issue, but it is a forum since this plan is being made of record and it notes an encroachment. The rules and regulations require that boundary lines be shown. He added that they do not expect this board to resolve the issue and they will attempt to resolve the issue with the Goodwin's directly.



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Discussion ensued regarding the encroachment shown on the plan and the dispute.

S.Bird stated that it is not up to this Board to resolve this dispute.

D.Larossa mentioned that they could place a note on the plan that the ownership of the strip is under dispute by the Beaudoin's.

Discussion continued and L.Skinner stated that we should proceed with the question before us.

D.Trefethen agreed and stated that the pertinent question is do they have enough land to do what they want and the answer is yes.

D.Ciotti is under the consensus that either way it doesn't matter because the project meets all of the requirements whether or not it is in dispute.

Public hearing closed

STAFF RECOMMENDATION FOR MINOR LOT LINE ADJUSTMENT P13-40:

The Planning Department recommends that the Planning Board approve the application for 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's stamp and signature to the final plat.
4. The applicant shall revise the plat to add the Planning File number P13-40 to the title block.

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

STAFF RECOMMENDATION FOR MINOR SUBDIVISION P13-41:

The Planning Department recommends that the Planning Board approve the application for the minor subdivision 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's stamp and signature to the final plat.
4. The applicant shall revise the plat to add the Planning File number P13-41 to the title block.
5. The applicant shall revise the plat to add topographic information as required by Chapter 155-28-H.
6. The applicant shall revise the plat to add the Zoning Board of Adjustment variance information.
7. The applicant shall prepare an access and utility easement deed over lot 79C in favor of lot 79B. Said deed shall be reviewed by the Planning Department with consultation by General Legal Counsel on compliance with conditions.
8. The applicant shall certify that lot 79B complies with the 40% wetland buffer maximum requirement of footnote #3 of the Table of Use and Dimensional Regulations for the R-40 District.

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

9. Per Chapter 170-27.1-D-1-c, the applicant shall install wetland buffer signs at one hundred foot intervals along the 50-foot wetland buffer line on lots 79B and 79D. This shall be checked and approved by the Building Official and City Engineer.
10. All new dwelling units shall be assessed the current impact fees in place at the time of building permit application

Other Conditions:



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11. Any new dwelling units shall be assessed the current water and sewer investment fees in place at the time of application for water service.

Discussion ensued regarding the business and the variance that the applicants received.

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

D.Thibodeaux joined the board.

F. Consideration and acceptance of a Minor Lot Line Adjustment for David & Deborah Melitus, (Owners: David & Deborah Melitus and Alex & William Mitchell), Assessor’s Map 29, Lots 43 & 44, zoned R-12, located at 4 & 6 Roosevelt Avenue. * (P13-42)

Christopher Berry with Berry Surveying and Engineering stated that this application was prepared by Ken Berry. He stated that they have submitted plans to reconfigure the lot lines between two existing lots. There is no change in the number of lots; it will just square up the lot as shown on the plan.

D.Ciotti asked about the accessory dwelling shown and confirmed with S.Bird that a 10 ft. setback is required.

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

Public hearing open. Nobody spoke. Public hearing closed

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board approve the application for 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 revise the plat to add the Planning File number P13-42 to the title block.
4. The applicant shall revise the plat to correct the tax map number within both lots to be map 29.
5. The applicant shall revise the plat to correct the spelling of Chesley and Abbey in the locus map.

Motion: K.Schuman made the motion to approve with staff recommendations. Seconded by C.Plante. Vote: U/A

G. Consideration and acceptance of an Open Space Subdivision of land for John & Patricia Kemen, Assessor’s Map B, Lot 1-D, zoned R-40, located on 500 Sixth Street (2 lots) * (P13-43)

Kevin McEneaney represented the applicants and submitted a plan to the members and for the file. The Kemen’s are present for any questions. He stated that this is a two lot subdivision and is considered an open space subdivision. The existing house will remain on a 6 acre lot and the new lot would be 2.17 acres. The open space will be 1.51 unbuildable acres. They are asking for two waivers. One is a required yield plan and the plan could have three to four lots, so it makes sense to ask for a waiver. The next waiver is a required minimum of 40 ft. of frontage for a private driveway or a public right of way. We are asking to be allowed to have only 25.75 ft. frontage. The driveway will not change and will be used for each parcel.

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

Public hearing open



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Berch Willard, 504 Sixth Street explained that they have lived here 19 years and voluntary shared maintenance with the driveway. He expressed concern that he didn't receive notification in time to seek a real estate attorney and was unable to confer with them. He added that he will be out of the country for three weeks and asked that the Board allow them time to discuss with counsel before this is approved. He added that they do not have an objection to the subdivision, but have a few concerns with added traffic and noise.

P.Kemen stated that this is a driveway and it is not a road, where all the traffic will come. She stressed the fact that this is her own private land and private driveway. We have allowed Berch to have some land and it expands out to 40 ft. to a certain distance. She appreciates what he is saying, but the reason why we only have 20 ft. of frontage is because of a neighbor's septic system.

Sherry M., abutter at 652 Central Avenue stated that she has been friends with the Kemens for 7 years and is friends with the Willard's for over 30 years. She reiterated that the notification did not leave enough time for the Willard's to digest all of the implications to their property or seek counsel. She asked that the Board put off any decisions accepting the approving the application until they can seek counsel.

Public hearing closed.

K.McEneaney stated that they have followed all regulations as far as notification and the driveway will be used to access both lots. The driveway was put in prior to the required 5 ft. pavement setback regulation and this would go to Community Services to be reviewed if there was any expansion anticipated. This is a simple subdivision. The yield plan would show that they could put four lots for this request.

Discussion continued.

D.Trefethen asked if there was any reason why they can't wait for October.

P.Kemen stated that they are planning on selling their home and for a marketing standpoint they do not want to wait another month. She added that they did have their house on the market, but pulled it in order to go through this process of a subdivision and has discussed this for some time with C.Parker.

G.Green confirmed with S.Bird that the abutter would have 30 days to appeal the decision.

K.McEneaney stated that they had to do the OSS, because of frontage and this meets the requirements. The applicant could do a much larger subdivision with a possibility of eight lots. They have agreed to the condition of no further subdivision on the property.

Discussion continued regarding the waivers and the configuration of the lots.

L.Skinner confirmed with S.Bird that the 30 days appeal process starts when the decision letter is sent out.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board approve the application for the open space subdivision 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's stamp and signature to the final plat.
4. The applicant shall revise the plat to add the Planning File number P13-43 to the title block.
5. The applicant shall revise the plat to add a note prohibiting any further subdivision of the lots.
6. The applicant shall revise the plat by adding the proposed lot to the Neighborhood Plan.



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7. The applicant shall prepare an access and utility easement deed over lot 1D in favor of lot 1P. Said deed shall be reviewed by the Planning Department with consultation by General Legal Counsel on compliance with conditions.
8. The applicant shall prepare deed restrictions that will insure that the open space will remain as open space in perpetuity. Said deed shall be reviewed by the Planning Department with consultation by General Legal Counsel on compliance with conditions.
9. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Subdivision Permit and add the permit number to the plat.
10. The approval includes the granting of the two waivers requested for the reasons stated by the applicant and by staff. The Board finds that the criteria of Chapter 155-51-A have been met.

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

11. Any new dwelling unit shall be assessed the current impact fees in place at the time of building permit application.

Other Conditions:

12. All new dwelling units shall be assessed the current water investment fees in place at the time of application for water service.

Motion: G.Green made the motion to approve with staff recommendations. Seconded by F.Torr. Vote: 8-1
(D.Trefethen opposed)

5. STAFF COMMENTS

Climate Change sessions looking for boards to sign on as co-sponsors. This just means that the board has agreed to generate interest and get people to sign up. He encouraged the board to attend one of the meetings.

September 10th agenda was discussed with items that may be listed on the agenda.

6. COMMITTEE REPORTS – N/A

7. ADJOURNMENT

Motion: G.Green made the motion to adjourn at 8:59 pm. Seconded by K.Schuman. Vote: U/A.