

CITY OF DOVER

DOVER PLANNING BOARD – AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall, 288 Central Avenue
Meeting Date: **Tuesday, October 27, 2015**
Meeting Time: **7:00 pm**

1. CITIZENS' FORUM

2. APPROVAL OF THE PRIOR MINUTES

- September 22, 2015 Regular Meeting Minutes & October 7, 2015 Joint Meeting Minutes with City Council.

3. OLD BUSINESS

4. NEW BUSINESS

- Discussion on the City's proposed Capital Improvements (CIP) FY 2017-2022. The CIP can be found on the City Web Site at www.dover.nh.gov, and in the Library, City Clerk's office, and Planning Department.
- Impact Fee Waiver Request for Mast Landing, LLC & Mast Landing Bond, LLC, Assessor's Map H, Lot 4-3, located at 250 Mast Road. (Waiver of School Impact Fee per 170.23-F-1-a, for Congregate Care Senior residential units).
- Consideration and acceptance of a Minor Lot Line Adjustment for Berry Surveying & Engineering, (Owner: Steven & Briana Hyde), Assessor's Map M, Lots 78 & 79D, zoned R-40, located at 45 Dover Neck Road.
*(P15-51)

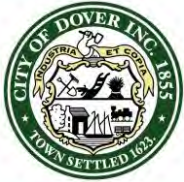
5. STAFF COMMENTS

6. MEMBER COMMENTS

7. ADJOURNMENT

*Indicates that if the application is accepted for discussion, the public hearing will be held the same evening, at which time any interested party may offer comment to the Planning Board. Persons with questions or wishing to see the plans are invited to visit the Planning Office, Monday through Thursday from 8:30 am to 5:30 pm and Friday 8:30 am to 4:00 pm.

You may also view materials at www.dover.nh.gov, a map showing project locations can be found at <http://www.dover.nh.gov/government/city-operations/planning/index>. Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - City Hall, 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, September 22, 2015**
Meeting Time: **7:30 pm**

Members Present: Dennis Ciotti (Chair), Kirt Schuman (Vice Chair), William Garrison (Councilor), Frank Torr, Lee Skinner, Tom Clark, Dave White, Catherine Plante, Christopher Lawrence, Gina Cruikshank (Alternate), Maggie Fogarty (Alternate), Curtis J. Pratt (Alternate)

Members Not Present:

Staff Present: Christopher Parker (Assistant City Manager), Donna Pohli (Assistant City Planner), Tracy Smith (Recording Secretary)

The Chair called the meeting to order at 7:33 p.m.

1. CITIZENS' FORUM

Citizens Forum Open. Nobody Spoke. Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- August 25, 2015 Regular Meeting Minutes.

Motion: B.Garrison made a motion to approve the August 25, 2015 Regular Meeting Minutes. Seconded by D.White. Vote U/A

C.Parker introduced the new Planning Staff employees.

3. OLD BUSINESS

4. NEW BUSINESS

- A. Consideration and acceptance of an Extension Request for a Site Review for Littleworth Road Solar, LLC (Owner: Bruce Caswell), Assessor's Map G, Lot 31, zoned I-2, located at 68 Littleworth Road. (Previously approved on August 26, 2014). *(P14-53A)

C.Parker explained the expiration of the previous application and the project is being resubmitted for reapproval. He stated the previous conditions have been met. The only conditions are the signature and digital version of the plan. D.Ciotti verified with C.Parker the application is the same as the application originally submitted in August 2014.

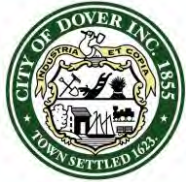
Andrew Kellar, NH Solar Garden, presented the application and explained the reason for the expiration was the need to meet other requirements for the project. He verified there were no changes to the project as previously submitted. He stated the project is ready to move forward with the plan to begin construction.

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

Public Hearing Opened. Nobody Spoke. Public Hearing Closed.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board accept the application, hold another public hearing, and reapprove the application with the following conditions:



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Conditions to Be Met:

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.

Motion: T.Clark made a motion to approve subject to staff recommendations. Seconded by F.Torr. Vote U/A

- B. Consideration and acceptance of a Minor Lot Line Adjustment for Mike Torr, (Owner: David G. Torr) Assessor's Map B, Lots 6D & 6G, zoned R-40, located at 62 County Farm Cross Road. *(P15-47)

F.Torr recused himself. M.Fogarty was appointed by the Chair to sit in on his behalf.

C.Parker gave an overview of the application.

Jason Pohopek, Design & Construction, LLC, represented the applicant and stated the information as listed in the application. J.Pohopek further stated the applicant wants to reconfigure the lot lines to separate the road frontage, as it is currently on the one lot and create two buildable lots.

Motion: B.Garrison made a motion to accept the application. Seconded by D.White. Vote U/A

Public Hearing Opened. Nobody Spoke. Public Hearing Closed.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board accept the application, hold the public hearing, and approve the lot line adjustment plat with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owners' 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 include the house number of the abutter at lot 5.
5. The applicant shall revise the plat to show the building setback line/envelope on sheet 1 for both lots.

T.Clark verified with C.Parker the proposed land use is one single family house on each lot, and the applicant could apply for an Accessory Dwelling Unit on the property.

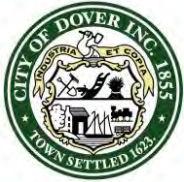
Motion: T.Clark made a motion to approve subject to staff recommendations. Seconded by L.Skinner. Vote U/A

F.Torr returned to his seat.

- C. Consideration and acceptance of a Minor Subdivision of land for Christopher R. Berry, (Owner: Carl Thibodeau), Assessor's Map L, Lot 48M, zoned R-20, located at 8 Pineview Drive. (1 new lot) *(P15-48)

C.Parker gave an overview of the application.

Chris Berry, Berry Surveying & Engineering, represented the applicant and stated the plan is to subdivide the acreage into two lots. A variance was received from the Zoning Board of Adjustment with conditions of approval. There is an existing drainage easement on the site that the applicant is willing to grant an easement to the City of Dover for a sewer project with the Spaulding Turnpike. He explained the existing structure and the plan to build an additional structure.



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D.White requested clarification regarding the City's easement on the plan. C.Berry stated the City's easement and the document pertaining to it has not been located. As part of approval, the applicant would provide a separate easement document for both easements in the event the document cannot be located for the one owned by the City.

C.Parker clarified one of the conditions regarding screening, and confirmed the location with C.Berry to prevent planting in the City easement.

Motion: F.Torr made a motion to accept the application. Seconded by T.Clark. Vote U/A

Public Hearing Opened. Nobody Spoke. Public Hearing Closed.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board accept the application, hold the public hearing, and approve the subdivision plan with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

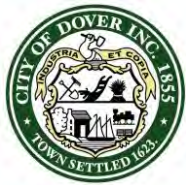
1. The owner's signatures shall be added to the final plat submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plat.
3. The applicant shall revise the plat to add the Planning File number P15-48 to the title block.
4. The applicant shall revise the plat to add the location of the existing and proposed water, stormwater sewer, sanitary sewer, electrical, and any other utility lines.
5. The applicant shall revise the plat to include a neighborhood plan.
6. The applicant shall revise the plat to have the locus map meet the requirements of 1"=1000' with a 3000' radius.
7. The applicant shall revise the plat to add the house location to parcel 2.
8. The applicant shall revise the plat to locate the screening on Map L between lot 48-M-1 and lot 48-N to the satisfaction of the Planning Staff.
9. The applicant shall revise note 7 on sheets 1 and 2 to indicate the variance was to allow 92.51' of frontage and the conditions of the variance that:
 - a. No more than two units over the two lots be created
 - b. Screening will be installed prior to issue of the building permit
 - c. The utility easement would be donated to the City, if needed. If no easement is needed, the applicant shall add the plan number to the reference list
 - d. The new home will have a similar look and feel to the existing neighborhood mitigated through street-scape improvements

C.Parker confirmed the applicant is not able to have Accessory Dwelling Units on these lots. If no utility easement can be found, the applicant is to add the plan number to the reference list.

L.Skinner stated his concern with condition 9.d. C.Parker clarified this condition was established by the Zoning Board of Adjustment.

T.Clark suggested the screening mentioned in the conditions be added to the plan. C.Parker revised the conditions to note this information.

Motion: T.Clark made a motion to approve subject to staff recommendations. Seconded by K.Schuman. Vote U/A



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- D. Consideration and acceptance of a Site Plan Review for Gulf Landing Properties, LLC, Assessor's Map 38, Lot 9A-2, zoned B-3, located off of Central Avenue. (3,888 sq. ft. of office space on the first floor with 8 residential units above). *(P14-35)
- E. Consideration and acceptance of a Conditional Use Permit for River Valley Development Corporation (Owner: Gulf Landing Properties, LLC), Assessor's Map 38, Lot 9A-2, zoned B-3, located off of Central Avenue. (10,251 sq. ft. of disturbance to the 50 foot wetland buffer)* (P15-37)

K.Schuman stated items 4.D and 4.E would be heard together.

C.Parker gave an overview of the application.

Chris Berry, Berry Surveying and Engineering, represented the applicant and stated updated information regarding the revisions regarding the pavement and the work with the Department of Environmental Services (DES) regarding the wetlands on the site. He provided the location of the right of way and the access to Central Avenue, and stated the applicant is working with the owner of the Shaw's plaza regarding the redevelopment of the right of way to reduce the storm water runoff. He addressed the conditions with the Planning Technical Review Committee (TRC) regarding parking and the traffic impact, as well as the entrance design. He requested Board member input and suggested a site walk to review the site.

C.Plante confirmed the total buffer impact as 10,251.55 sq. ft.

L.Skinner stated his concern regarding proceeding with applications that are not ready. C.Parker clarified the difference between accepting the application and approving the application. He clarified the procedure accept jurisdiction over the application, note the TRC issues, and to obtain the feedback from the Board.

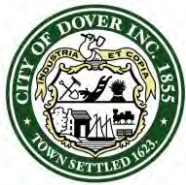
C.Berry requested the Board consider the TRC issues that have been addressed and asked for feedback from the Board members. He stated the land owner is hesitant to move forward until the Board supports the project.

Discussion ensued regarding the parking and access to the property. C.Berry stated the parking amount is the maximum allowed in the event of overflow, and clarified the existing condition of the right of way and the need for redevelopment, and that it is not the only way to access the area.

C.Parker provided examples of other landlocked businesses that have access to right of way through abutting property, as well as the location of the second access through the Black Dog Car Wash right of way. The second access location was not recommended because the intersection could not be widened. He explained the traffic pattern and pedestrian access associated with the proposed right of way.

C.Berry stated there is a second lot with access and rights, but no access to the appropriate traffic pattern of "right in – right out" and left out is detrimental.

D.Ciotti requested C.Berry to submit a letter in the future regarding completed TRC comments to present clear information to the Planning Board about what items are complete and what is yet to be worked on. This will give the Board accurate information with less questions to determine whether the application is insufficient. C.Berry agreed to this procedure.



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C.Parker explained the strike-throughs on the TRC document only pertained to the Planning Department, and the other departments were not addressed. He stated the application is complete with work to be finalized.

Motion: F.Torr made a motion to accept the applications for items 4.D and 4.E. Seconded by T.Clark. Vote U/A

Public Hearing Opened. Nobody Spoke. Public Hearing Closed.

STAFF RECOMMENDATION: (P14-35)

The Planning Department recommends that the Planning Board accept the application, open a public hearing, and then table the application to allow the applicant more time to address the comments from TRC (please see the attached minutes with the strike through text which indicates the comments have been addressed).

STAFF RECOMMENDATION: (P15-37)

The Planning Department recommends the Planning Board accept the application, open a public hearing and then table the Conditional Use Permit to allow the applicant time to address the staff comments before coming to the Board.

Motion: K.Schuman made a motion to table items 4.D and 4.E and the public hearing. Seconded by L.Skinner. Vote U/A

F.Torr recommended the Board members view the property.

F. Consideration of City Council's Recommendations for Zoning Amendments.

B.Garrison presented the update from the City Council regarding the Zoning Amendments. He stated the City Council did approve the Zoning Amendments with comments to be reconsidered by the Planning Board. Tony McManus, City Council was also present to address the comments. B.Garrison stated the list to be reconsidered:

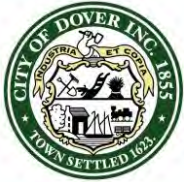
- Supporting the idea of a Sub-Committee for the review of I-1 zoning.
- Review of height in the CBD district, preferring 4 stories instead of 5 stories.
- Include Silver Street to Exit 7 in the Heritage District.

Discussion ensued regarding the City Council procedure regarding voting and ratifying the Zoning Amendments, and that the suggestion was not formally made. Discussion continued regarding the amendments to be reconsidered and the need for additional information for discussion purposes.

C.Parker clarified no immediate action was necessary, and the Zoning Amendments had been ratified. The amendments were approved with items for the Planning Board to consider and the members could change it formally.

B.Garrison confirmed the suggestion was not formally made, and requested the Planning Board consider four stories over five, and that there was a need for a clear definition of a story. D.Ciotti stated he had nothing in writing to confirm it was not formal.

T.McManus addressed the items for reconsideration and stated the majority of the City Council expressed concern regarding the height issue, and five stories might be too high for the downtown area. He stated most of the existing buildings are three stories, and a five story building would loom over the City. He clarified height is there to create uniformity, and stated the concern with measuring height by floor which could be exaggerated. He suggested a



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height restriction with controlled levels for clarity. He stated comparisons regarding the lack of uniformity in Boston and the lack of open space in Portsmouth, and the possibility of that taking place in Dover.

C.Parker clarified between 1983 and 2009 there was a height restriction of 75 ft. height restriction, and from 2009 to 2015 there was an unlimited height. He further stated this does not mean buildings will be this height. He recommended the Planning Board review the information again in January 2016.

5. STAFF COMMENTS

C.Parker stated the next Planning Board meeting will be a joint meeting with the City Council on October 7, 2015 at the McConnell Center in Room 305. The Planning Board will return to two meetings per month beginning in October.

C.Parker gave an update on Dover Honda and the landscaping placed on the Dover Honda property with access from the abutter's property. A fence was installed at the request of the abutter. There are issues regarding the two parties regarding maintenance of the tree and landscaping. The Building and Engineering Staff will be performing inspections and the process is being monitored.

6. MEMBER COMMENTS

F.Torr clarified with C.Parker that there will only be one Planning Board meeting for the months of November and December. C.Parker stated the "Meet and Greet" for the Land Use Board members will be in November.

C.Plante confirmed with C.Parker the parking and street issues regarding First Street have been resolved.

7. ADJOURNMENT

Motion: K.Schuman made a motion to adjourn at 9:11 p.m. Seconded by D.White. Vote: U/A



CITY OF DOVER

JOINT MEETING OF THE CITY COUNCIL AND PLANNING BOARD MINUTES

Meeting Type: **Workshop Session**
Meeting Location: **McConnell Center, Room 305**
Meeting Date: **Wednesday, October 7, 2015**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Hooper led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present:

City Council: Mayor Weston, Deputy Mayor Carrier, Councilor Cheney, Councilor Garrison, Councilor Hooper, Councilor O'Connor, and Councilor Thibodeaux. Councilor Gagnon arrived at 7:07 pm.

Planning Board: Chairperson Dennis Ciotti, Vice-Chairperson Kirt Schuman, Christopher Lawrence, Lee Skinner, Franklin Torr, Maggie Fogarty, Curtis Pratt.

Absent: Councilor McManus, Gina Cruikshank, Catherine Plante, Thomas Clark, and Dave White.

Also Present: City Manager Joyal, Assistant City Manager Parker, General Legal Counsel Blenkinsop, Finance Director Lynch, and City Clerk Lavertu.

5. DISCUSSIONS

A. CAPITAL IMPROVEMENTS PROGRAM (CIP) PRESENTATION

Assistant Manager Parker started a video regarding the CIP. He gave an overview and answered questions regarding the CIP to the Committee.

6. CITIZEN'S FORUM

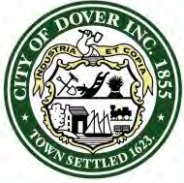
Citizens are invited to speak on the subject matter of the Workshop. Statements shall be limited to five minutes.

Peter Schmidt, 53 Fourth Street: He spoke about the County refinancing bonds at a lower interest rate, and asked if the City had callable bonds.

7. ADJOURNMENT

Deputy Mayor Carrier moved to adjourn; seconded by Councilor O'Connor.

Vote: 15/0.



CITY OF DOVER

PLANNING BOARD - STAFF MEMO

Application Type:	Impact Fee Waiver Request
Applicant:	Mast Landing LLC & Mast Landing Bond LLC
Owner:	Mast Landing LLC & Mast Landing Bond LLC
Location:	250 Mast Road (Assessor's Map H, Lot 4-3)

INTENT: To obtain a waiver from the school impact fees assessed for a 58 unit Congregate Care Senior residential building

LOTS/UNITS PROPOSED: 58

AGENDA ITEM #: 4-B

ACREAGE: 1.16 acres

ZONING DISTRICT:
Hotel/Retail District (B-4)

EXISTING LAND USE:
Congregate Care Facility

PROPOSED LAND USE:
Congregate Care Facility

SURROUNDING LAND USE:
Single family residential, retail uses, industrial/manufacturing uses

ZBA ACTION:

- Z11-20 – Variance granted for reduced building setback
- Z06-30 – Variance for coffee shop with drive thru denied

ATTACHMENTS:
Impact Fee Waiver Request Form and letter; copy of Chapter 170-23-F, Development Agreement recorded on 10/22/14

PERMITS REQUIRED:
None

WAIVERS REQUESTED: Impact Fee

NOTICES SENT: There is no abutter notice required for an impact fee waiver.

Summary of Request and Background

The applicant is asking for a waiver to the school portion of the Impact Fee Ordinance – Chapter 170-23, in accordance with section F(1)(a). The Recreation, Police and Fire impact fees will be paid in full.

The Impact Fee Ordinance was approved by the City Council on 1/22/03 and the Planning Board adopted the School Impact Fee in February of 2003 and the rest of the fees in October of 2008. Updated fees were adopted in 2013.

Consistency with Land Use Regulations

The ordinance provides for the Planning Board to grant full or partial waivers of impact fees if one of three criteria is met. In this case the applicant is applying for the criteria for residential units for senior citizens age 62 and over, which reads as follows:

(a) An APPLICANT may request a full or partial waiver of school IMPACT FEES for those residential units that are lawfully restricted to occupancy by senior citizens age sixty two (62) or over in a development that is also maintained in compliance with the provisions of RSA 354-A: 15, Housing For Older Persons. The PLANNING BOARD may waive school IMPACT FEE ASSESSMENTS on such age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy by senior citizens age sixty two (62) or over for a period of at least twenty (20) years.

STAFF RECOMMENDATION:

This waiver application meets the criteria for waivers listed in Chapter 170-23-F(1)(a). The Planning Department recommends that the waiver for school impact fees be approved with the condition that the existing Development Agreement be amended to reflect the age restriction of 62 and over, prior to the issuance of a certificate of occupancy.

RECEIVED
Planning Office

SEP 25 2015

Dover, New Hampshire

Memo

To: Chris Parker and City Dover Planning Board

From: Bill Walker

Cc: Cynthia Taylor, Steve Bird

Date: 9/24/2015

Re: Mast Landing Senior Care Housing

Mast Landing LLC and Mast Landing Bond LLC request a full waiver, for the school portion of the impact fees, as allowed under City ordinance 170-23.F.1.a (see Exhibit A)

Mast landing Senior Care Housing is located at 250 Mast Road. The project consists of 58 units of senior residential units with the congregate services agreed upon in the Development Agreement with the City of Dover (see Exhibit B) and approved by the Dover Planning Board on July 25, 2012.

The total impact fee is \$157,064, which consists of Recreation \$50,460, Police \$23,606, Fire \$21,866, and School \$61,132. The waiver would be for the school portion of the impact fee \$61,132. This would revise the total impact fee to \$95,932.

Per the ordinance 170-23.F.1.a; the project needs to demonstrate an age restriction of sixty two (62) or over for a minimum period of 20 years to qualify for this waiver. The Development Agreement with the City of Dover requires the project to develop 58 units of senior congregate residential units. It is the intent to have residents that are 62 years of age and over. Mast Landing LLC and Mast Landing Bond LLC are willing to amend the development agreement to reflect this age restriction at 62 and over for a minimum of 20 years with the approval of this waiver.

These projects are a valuable asset to the elderly and their families who reside in the City of Dover. In order to provide the necessary support to the seniors of Dover it requires a partnership with the community to bring it to fruition. The City of Dover will not incur any further school expenses due to the elderly population being served at Dover Mast Landing. Therefore we request that the Planning Board grant this waiver as requested for Mast Landing Senior Care Housing.



City of Dover, New Hampshire
Impact Fee Waiver Request Form

[Revision Date: November 18, 2014]

RECEIVED
Planning Office
SEP 25 2015

Office Use Only

Date Received:

Dover, New Hampshire

Date of Planning

Board Meeting:

10/27/15

Waiver Request #:

48

PROPERTY OWNER AND PARCEL INFORMATION

Name of Property Owner: Mast Landing LLC + Mast Landing Telephone # (207) 774-8812

Address of Property Owner: 36 Union Wharf Box 12, Portland, ME 04101

Address of Property Being Assessed Impact Fee: 250 Mast Road

Assessor's Map # H Lot(s) # 4-3

Type of Building Proposed (check one):

RESIDENTIAL

- ☐ Single Family Detached
☐ Single Family Attached (townhouse)
☐ Duplex or 3-Unit Structure
☒ Multi-family Structure (4+ Units)
☐ Manufactured Home

NON-RESIDENTIAL

- ☐ Retail, Restaurant, or Club building
☐ Office or Commercial Services building
☐ Industrial, Transportation, Warehouse or
Communication Building
☐ Nursing Home or Assisted Living Building
☐ Other Institutional Use Building

Amount of impact fee invoiced by City: \$ 157,064

Use the space provided to explain why you feel that the impact fee assessed for your property should be waived by the Planning Board, per Chapter 170-23 F. (attach additional sheet if necessary):

Please See Attached Memo

Sybil J. Smith-Jones
Owner's Signature

AUTHORIZED REP.

MAST LANDING LLC

MAST LANDING BOND LLC

9/24/15
Date

ZONING

- (a) An APPLICANT may request a full or partial waiver of school IMPACT FEES for those residential units that are lawfully restricted to occupancy by senior citizens age sixty two (62) or over in a development that is also maintained in compliance with the provisions of RSA 354-A: 15, Housing For Older Persons. The PLANNING BOARD may waive school IMPACT FEE ASSESSMENTS on such age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy by senior citizens age sixty two (62) or over for a period of at least twenty (20) years.
- (b) A person may request a full or partial waiver of IMPACT FEES for construction within a subdivision or site plan approved by the PLANNING BOARD prior to the effective date of this ordinance. Prior to granting such a waiver, the PLANNING BOARD must find that the proposed construction is entitled to the four (4) year exemption provided by RSA 674:39, pursuant to that statute. This waiver shall not be applicable to phases of a phased development project where active and substantial development, BUILDING and construction has not yet occurred in the phase in which construction is proposed.
- (c) The PLANNING BOARD may agree to waive all or part of an IMPACT FEE ASSESSMENT and accept in lieu of a cash payment, a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of IMPACT FEES under this provision that would involve a contribution of real property or the construction of capital facilities; the PLANNING BOARD shall submit a copy of the waiver request to the City Council for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of IMPACT FEE ASSESSMENT. The APPLICANT shall pay all costs incurred by the City for the review of such proposal, including consultant and counsel fees.

170-24. ACCESSORY DWELLING UNITS. [Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]

Where permitted, an ACCESSORY DWELLING UNIT shall comply with the following:

- A. A maximum of one (1) accessory dwelling unit (ADU) per property is permitted. An ADU shall not be permitted on property where more than one DWELLING UNIT currently exists.
- B. Exterior alterations, enlargements, or extensions of the SINGLE FAMILY DWELLING or detached ACCESSORY STRUCTURE are permitted in order to

DEVELOPMENT AGREEMENT

This Development Agreement is entered into this 28th day of August 2012, between Mast Landing LLC and Housing Initiatives of New England Corporation (hereinafter "Applicant"), and the City of Dover, New Hampshire (hereinafter "City"). This Agreement is addressed to Site Plans entitled Site Layout Plans, Senior Housing, Grapevine Drive and Mast Road owned by VC Dover Investments, LLC prepared for Housing Initiatives of New England Corporation, dated May 25, 2012 and revised through August 27, 2012 as prepared by T.F. Moran Inc., (collectively the "Site Plan").

It is agreed that the Applicant, its heirs and assigns shall implement said development in accordance with the signed Site Plan that received conditional approval of the Planning Board on Tuesday, July 24, 2012. All revisions to the approved Site Plan must be approved by the Planning Department. It is further agreed that these actions shall be obligated and bound by the following terms and standards:

1. That the Applicant shall abide by all ordinances and land use regulations of the City of Dover.
2. That the Applicant shall implement the Site Plan only as approved by the Planning Board and shall comply with all requirements of the Building Code and Life Safety Code, as adopted by the City.
3. That the Applicant shall obtain all necessary local, state and federal permits and shall comply with their terms.
4. The approved Site Plan provides for fifty-eight (58) senior congregate residential units ("Residential and Commercial Project") and 59,858 square feet of residential space with ancillary common spaces.
5. The Applicant agrees to provide a senior congregate service plan for the 58 units that is based on seniors living independently in their apartments. This includes supportive services staff onsite, a common kitchen, common dining facilities and an unlicensed care program designed with area agencies to provide homemaking services to help with daily living needs and area home health agencies to provide short term skilled care, occupational therapy, physical therapy, post-operative care and other clinical services to be provided by licensed healthcare providers. The building will be physically designed to be accessible to allow all residents to age in place in all units and in the common areas.

6. The Applicant agrees to comply with the condition of approval stipulated by the Planning Board on Tuesday, July 24, 2012 as follows:

- a. Condition to be met prior to construction activity: Construction hours shall be limited to Monday through Friday 7 a.m. – 6 p.m., Saturday 8 a.m. – 5 p.m. with no Sunday hours. Hours will be documented on a site construction sign along with contact information for the General Contractor. This signage shall be located and approved by the City Engineer or Director of Planning and Community Development.
- b. Condition to be met prior to issuance of a building permit: The Applicant shall pay current impact fees and assessed investment fees for water/sewer at the time of building permit application.
- c. Conditions to be met prior to issuance of a certificate of occupancy: The Applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

All other conditions listed in the letter dated July 25, 2012 from the City of Dover, New Hampshire, Department of Planning and Community Development to Mast Landing LLC and Housing Initiatives of New England Corporation have been revised and resubmitted in full documentation to the Department of Planning and Community Development.

IN WITNESS WHEREOF, the parties hereto have set their hands this 28th day of August, 2012.

WITNESS

Karen Campsustunaitis

Applicant: MAST LANDING LLC and
HOUSING INITIATIVES OF NEW
ENGLAND CORPORATION

BY: Cynthia J. Milliken Taylor
Cynthia J. Milliken Taylor, duly authorized
Representative

WITNESS

Steven J. Bird

DOVER PLANNING BOARD

By: [Signature]
Chairman of Planning Board



C'ty of Dover, NH

P.O Box 818
Dover, N.H. 03821-0818

INVOICE

Account: 00021023
Invoice No: 00011152
Invoice Date: 11/18/2014
Due Date: 11/17/2015
Terms: 30 Days

HOUSING INITIATIVES OF NEW ENGLAND CORP.
36 UNION WARF, BOX 12
PORTLAND ME 04101

Department: Planning
Telephone: 603-516-6016

Make Checks Payable to: City of Dover

Important Information Located on Back

Code	Item/Service	Qty	Unit Price	Extended
18822	Fire Impact Fee	58.00	\$377.00	\$21,866.00
18835	Recreation Impact Fee	58.00	\$870.00	\$50,460.00
18860	School Impact Fee	58.00	\$1,054.00	\$61,132.00
18821	Police Impact Fee	58.00	\$407.00	\$23,606.00
Total				\$157,064.00

157,064.00
- 51,831.00 PD 11/10/14
\$ 105,233.00
523.69 PD
\$ 104,709.33 PD 11/23/14
104,709.33

Mail payment with lower portion in enclosed self-addressed envelope. Retain upper portion for your records.

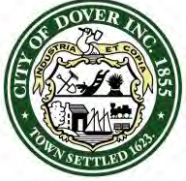
City of Dover, NH P12-16 Impact Fees - Mast Landing Senior
P.O Box 818 Housing Units Mast Rd
Dover, N.H. 03821-0818

HOUSING INITIATIVES OF NEW ENGLAND CORP.
36 UNION WARF, BOX 12
PORTLAND ME 04101

Department: Planning
Invoice No: 00011152
Due Date: 11/17/2015
Account: 00021023

Return This Portion Pay This Amount
\$157,064.00

0000011152 00537900 111715 9201114 0015706400 8



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P15-51

Application Type: Minor Lot Line Adjustment
Applicant(s): Berry Surveying and Engineering
Owner(s): Steven and Briana Hyde
Location: 45 Dover Neck Road (Assessor's Map M, Lots 78 and 79D)
Meeting Date: October 27, 2015

INTENT: To adjust the lot lines between two existing lots at 45 Dover Neck Road. Lot 78 will be decreased to 1 acre and Lot 79D will be increased to 1.76 acres.

LOTS/UNITS PROPOSED: No change in the number of lots

AGENDA ITEM #: 4-C

ACREAGE: 2.76 acres

ZONING DISTRICT: Rural Residential District (R-40)

EXISTING LAND USE: Single family dwelling

PROPOSED LAND USE: Single family dwelling and two family dwelling

SURROUNDING LAND USE: Residential

ZBA ACTION: Variance (Z15-15) granted on August 20, 2015 to transfer the two-family conversion right of a pre-1964 single-family dwelling on lot 78 to lot 79D to permit the construction of a two-family dwelling on lot 79D, where a single-family dwelling is permitted.

ATTACHMENTS: Lot line adjustment plan, application, and zoning board minutes

APPLICATION IS COMPLETE: Yes

NOTICES SENT: Abutter notices were sent by certified mail to all abutters

PERMITS REQUIRED: None

WAIVERS REQUESTED: None

Summary of Request and Background

The applicant wants to reconfigure the lot lines between two existing lots. There is no change in the number of lots.

The applicant received a variance from the Zoning Board (as described below on the left). The Zoning Board placed the following conditions on the variance:

- The house be constructed as shown on the plan
- The new units be required to tie in to the sewer system
- No more than three units exist on the combined two lots
- There will be minimal cutting of the existing wooded buffer
- The lot line adjustment be approved by the Planning Board

Consistency with Land Use Regulations

Chapter 155-18 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations.

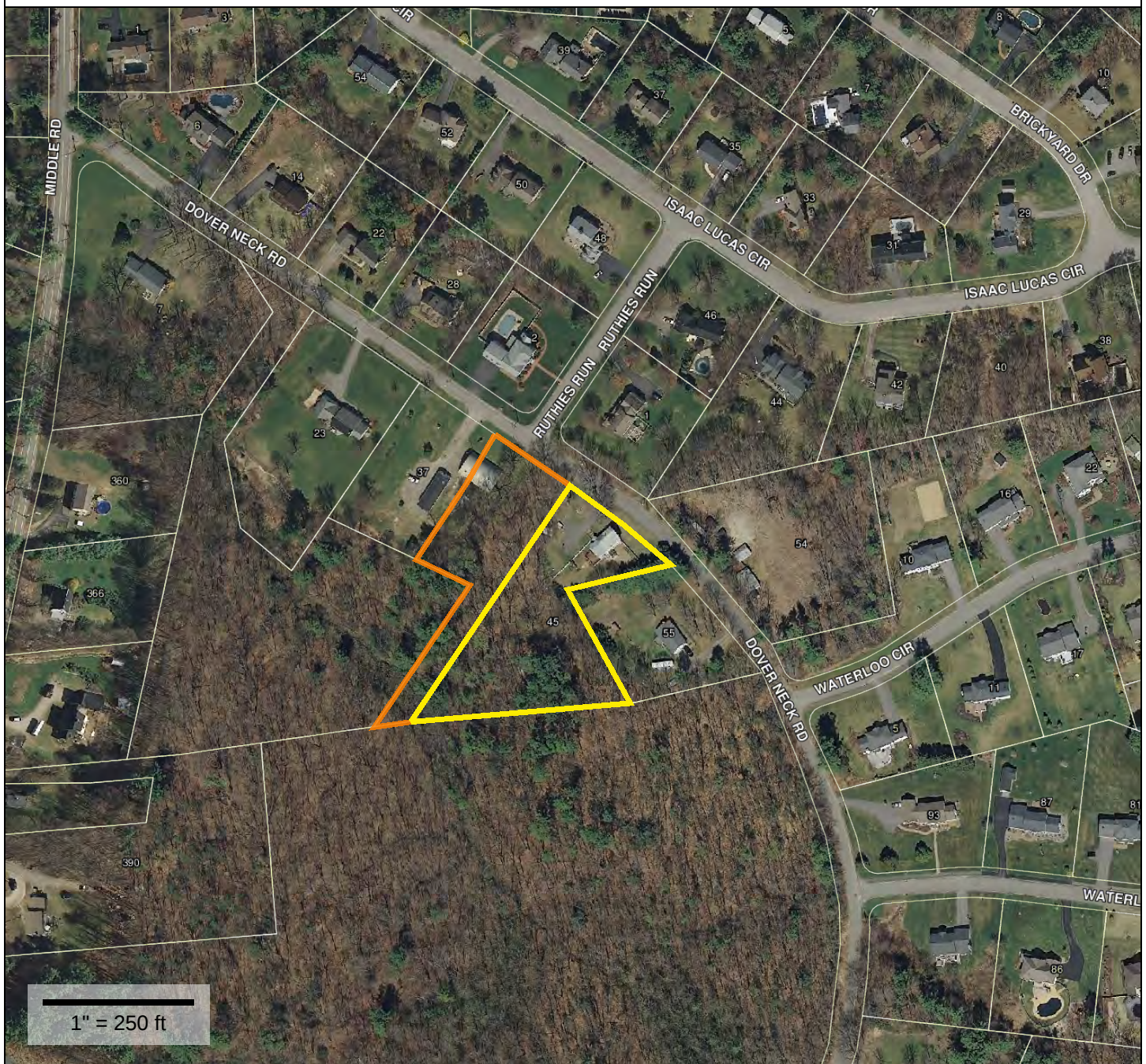
STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board accept the application, hold the public hearing, and approve the lot line adjustment plat with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owners' 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 include a note regarding the variance (including section number and date granted) with the conditions as listed in the meeting minutes.
5. The applicant shall revise the plat to add a note that minimal tree cutting will occur between lots 78A and 79D and that prior to any tree cutting or construction activity, the wooded buffer shall be staked and labeled.
6. The applicant shall revise note 9 to indicate that both lots 78 & 79D shall tie into municipal water and sewer.
7. The applicant shall revise the plat to add a note that the new property must meet all Building and Fire Codes (i.e. driveway length and width).

45 Dover Neck Road

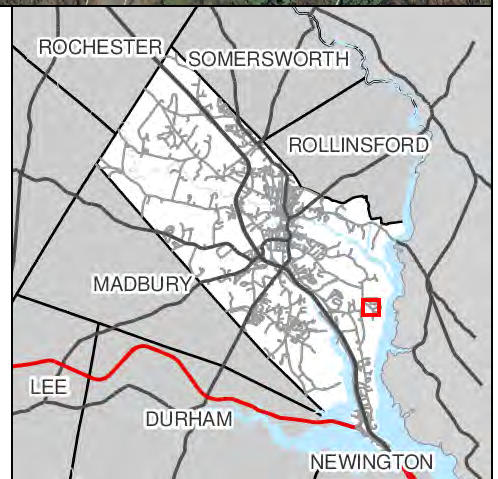
**Property Information**

Property ID M0078-000000
Location 45 DOVER NECK RD
Owner HYDE BRIANA M &
HYDE STEVEN F

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

The City makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated January 1, 2015





City of Dover, New Hampshire
MINOR LOT LINE ADJUSTMENT APPLICATION

[Revision Date: February 12, 2013]

Office Use Only	Project #:	<u>P15-51</u>	Date Received:	<u>OCT 13 2015</u>
	Amount Paid:	<u>\$401.00</u>	Time Received:	

Dover, New Hampshire

APPLICANT INFORMATION

Name of Applicant: Berry Surveying & Engineering Telephone # 603-332-2863

Address of Applicant: 335 Second Crown Point Rd. Barrington, NH 03825

FIRST PROPERTY OWNER AND PARCEL INFORMATION

Name of 1st Property Owner (if different from applicant): Steven & Briana Hyde Telephone #

Address of 1st Property Owner: 45 Dover Neck Rd. Dover, NH 03820

Address of Property: 45 Dover Neck Rd. Dover, NH 03820

Assessor's Map # M Lot(s) # 78

Property Deed: Book 3550 Page: 0188

Zoning District(s) R-40 Overlay District(s) Wetlands

Size of Existing Parcel (sq. ft.): 74,614 sq. ft. Size of Proposed Parcel (sq. ft.): 43,598 SQFT

SECOND PROPERTY OWNER AND PARCEL INFORMATION

Name of 2nd Property Owner (if different from applicant): Steven & Briana Hyde Telephone #

Address of 2nd Property Owner: 45 Dover Neck Rd. Dover, NH 03820

Address of Property: TBD Dover Neck Rd. Dover, NH 03820

Assessor's Map # M Lot(s) # 79D

Property Deed: Book 4201 Page: 430

Zoning District(s) R-40 Overlay District(s) Wetlands

Size of Existing Parcel (sq. ft.): 45,599 sq ft. Size of Proposed Parcel (sq. ft.): 76,615 SQFT

[Use additional application form if more than two lots are being adjusted]

SURVEYOR INFORMATION

Name of Surveyor and Company (Licensed in N.H.) Berry Surveying & Engineering

Address 335 Second Crown Point Rd. Telephone #: 603-332-2863

Professional License #: LLS #805, PE #14243 E-mail address: d.olone@berrysurveying.com

SIGNATURES

I/We hereby submit this application to the City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

Signature of First Property Owner: _____ Date: 10/13/15

Signature of Second Property Owner: _____ Date: 10/13/15

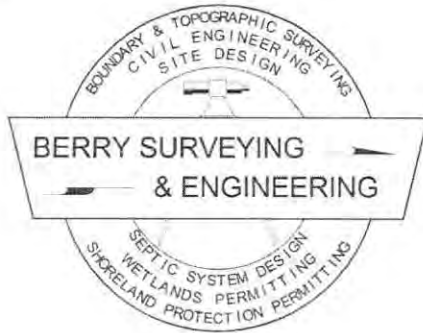
Signature of Applicant (if different from owner): _____ Date: 10/13/15

Signature of Agent: _____ Date: _____

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I hereby authorize members of the Dover Planning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: _____ Date: 10/13/15



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

crberry@metrocast.net

October 13, 2015

City of Dover
Planning Board
288 Central Ave.
Dover, NH 03820

Re: Steven & Briana Hyde
Dover Neck Road
Dover, NH

Chairman and Members of the Dover Planning Board,

On Behalf of Steven & Briana Hyde, Berry Surveying & Engineering (BS&E) is applying for a Lot Line Revision located at or near 45 Dover Neck Road. The properties are commonly known as Tax Map M, Lots 78 & 79D.

Background and General Narrative:

Mr. & Mrs. Hyde own Lot 78 and 79D, located in the R-40 zone, and currently reside on Lot 78, which is known as 45 Dover Neck Road. Lot 78 is comprised of a variety of land types, to include yard area, wooded areas, and an area of meandering wetlands to the rear of the lot, having a total size of 1.71 acres. Lot 79D is currently a vacant buildable lot 1.05 acres in size, having recently been created as part of a subdivision of 37 Dover Neck Road by David and Janet Goodwin of 23 Dover Neck Road, approved by the Dover Planning Board. Lot 79D was purchased from the Goodwins by Mrs. Hyde's parents, Ronald and Bianca Coakley, and in turn has been deeded to Mr. & Mrs. Hyde. The total land area of the two lots owned by the Mr & Mrs. Hyde, combined equals 2.76 Ac.

Lot 78 is currently serviced by on-site septic and a well. Any development that takes place on Lot 79D will be required to utilize City water and sewer services, given the proximity of the services to the lot. Lot 78 utilizes a typical, private driveway as access to their lot. It is proposed that Lot 79D will have a similar type access.

The Proposal:

Mr. & Mrs. Hyde would like to revise the lot lines between their two lots in order to achieve a few goals. The first is that Lot 79D will have a buildable area behind Lot 78 in a thickly forested area which, when developed, will be less obtrusive on the residents of Dover Neck Road. The second is that Lot 78 will gain control over some very large, old-growth hardwood trees located on the premises. In the current layout of lots, a few of these trees would need to be removed in order to develop Lot 79D. The Hyde's wish to preserve these old trees, thereby enhancing the street scape. The third goal is to gain an easement, in favor of Lot 78, over Lot 79D for the purposes of future water and sewer access. The end of the City's sewer system is located along the frontage of Lot 79D and this easement will give Lot 78 access to the manhole located and shown on the plan. It is our belief that granting this lot line revision

Lot Line Revision Request, Steven & Briana Hyde
45 Dover Neck Road, Dover, NH

October 13, 2015
Page 2 of 2

will work to enhance Dover, as the rural nature of Dover Neck Road will be preserved and there will be the potential for another lot to be connected to City utility services.

Thank you for your time and attention to this matter. We hope you look favorably upon this request.

BERRY SURVEYING & ENGINEERING

Christopher R. Berry
Principal, President



BERRY SURVEYING & ENGINEERING

335 Second Crown Pt. Rd., Barrington, NH 03825
(603) 332-2863 / (603) 335-4623 FAX
www.BerrySurveying.Com



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

October 9, 2015

Abutters List

Owner:

Tax Map M, Lot 78 & 79D

Steven & Briana Hyde
45 Dover Neck Rd
Dover, NH 03820
Book 2001, Page 0019
Book 4201, Page 0430

Abutters:

Tax Map M, Lot 90-A15

John & Marie Crowley
48 Isaac Lucas Circle
Dover, NH 03820
Book 1348, Page 0628

Tax Map M, Lot 90-A16

Kathleen Douglass & George Dailey
46 Isaac Lucas Circle
Dover, NH 03820
Book 1391, Page 0680

Tax Map M, Lot 90-A17

Steve & Holly Joanne Venetos
42 Isaac Lucas Circle
Dover, NH 03820
Book 3871, Page 0772

Tax Map M, Lot 76-001

David & Amy D Middleton
10 Waterloo Circle
Dover, NH 03820
Book 3114, Page 0498

Tax Map M, Lot 58

Gemma & John Flemming
Co-Trustees Viel Claire Irrevocable Trust
382 Middle Rd
Dover, NH 03820
Book 3708, Page 0270

Tax Map M, Lot 77

TLG Realty Trust
George, Edward J. Trustee
21 Pleasant St
Berwick, ME 03901
Book 1429, Page 0259

Tax Map M, Lot 78A

Carol Ann & David M. Ogilvie
55 Dover Neck Rd.
Dover, NH 03820
Book 0873, Page 0410

Tax Map M, Lot 79A, 79B & 79C

David A & Janet K Goodwin
23 Dover Neck Rd
Dover, NH 03820
Book 3276, Page 0452
Book 1052, Page 0845



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Tax Map M, Lot 90 D2

Maureen F Staples, Trustee
Maureen Staples Living Rev Trust
2 Ruthie's Run
Dover, NH 03820
Book 2253, Page 0124

Tax Map M, Lot 90 D3

Paul and Brenda Mckenney
1 Ruthie's Run
Dover, NH 03820
Book 3095, Page 467

Tax Map M, Lot 90 D4

Joseph Behre Jr
44 Isaac Lucas Cr
Dover, NH 03820
Book 1522, Page 0269

Tax Map M, Lot 90 D8

Jeffrey & Vera P Haus
28 Dover Neck Rd.
Dover, NH 03820
Book 1893, Page 0789

Professionals:

Kenneth A. Berry PE LLS
Christopher R. Berry, Project Manager
Berry Surveying & Engineering
335 Second Crown Point Road
Barrington, NH 03825

Damon Burt, CWS
Fraggle Rock Env.
38 Garland Road
Strafford, NH 03884

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(603) 332-2863 / (603) 335-4623 FAX
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335 Second Crown Point Road

Barrington, NH 03825

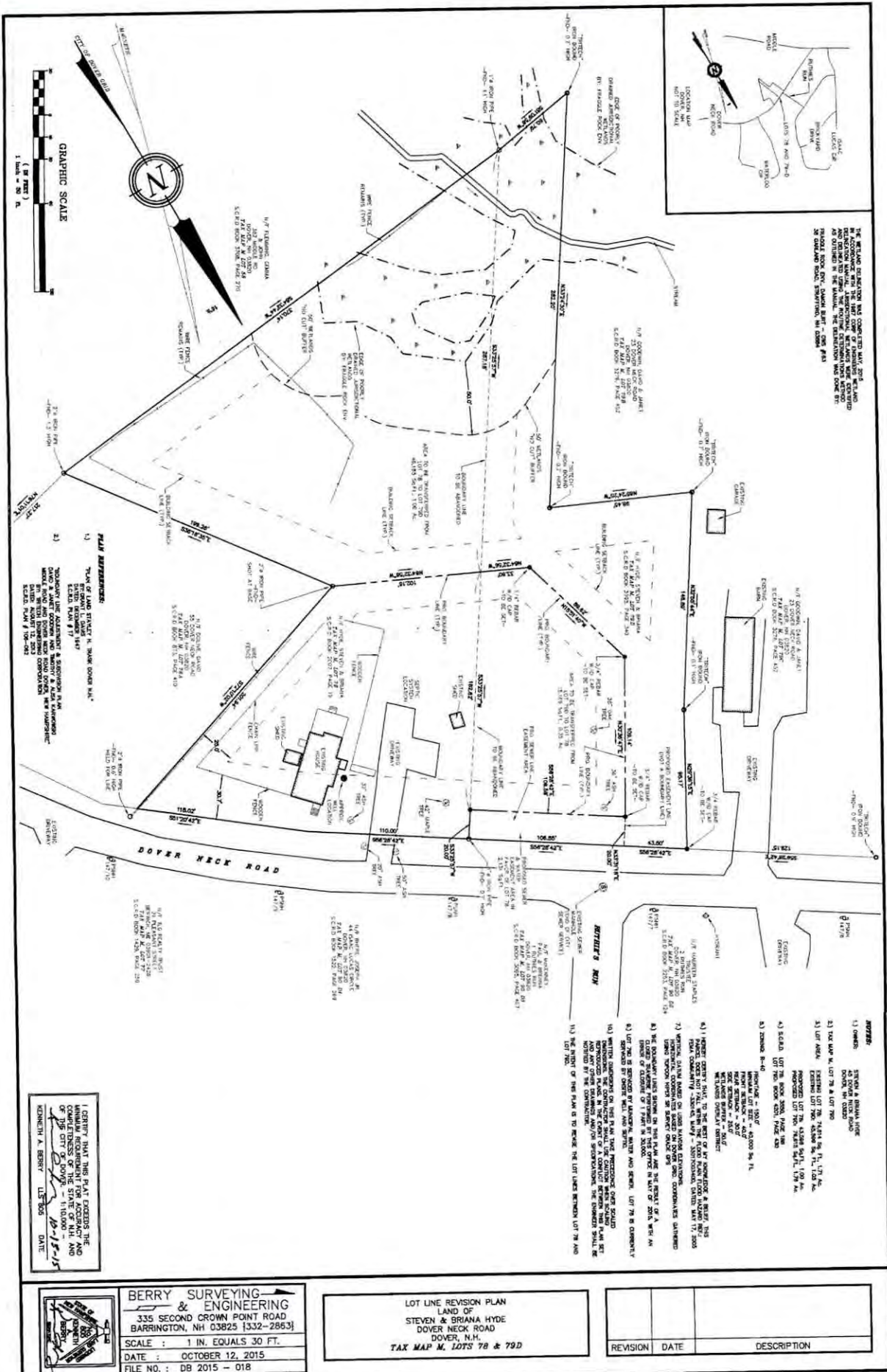
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Tax Map M-78 & 79D







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Aerial Photo, M-78 & 78D

