

CITY OF DOVER

DOVER PLANNING BOARD – AGENDA

Revised

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall, 288 Central Avenue
Meeting Date: **Tuesday, December 15, 2015**
Meeting Time: **7:00 pm**

1. CITIZENS' FORUM

2. APPROVAL OF THE PRIOR MINUTES

- November 17, 2015 Regular Meeting Minutes

3. OLD BUSINESS

- A. Consideration and possible vote of a Conditional Use Permit for Berry Surveying & Engineering, (Owner: Mark and Suzanne Jones), Assessor's Map 11, Lot 14, zoned R-12, located on Arch Street. (Proposal is for a wetland impact of 250 sq. ft. and a 50-foot wetland buffer impact of 8,026 sq. ft.). *(P15-50)
- B. Consideration and possible vote of an Open Space Subdivision for Mark & Suzanne Jones, Assessor's Map 11, Lot 14, zoned R-12, located at Arch Street. (13 lots) *(P15-16)

4. NEW BUSINESS

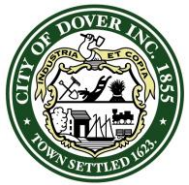
- A. Consideration and possible vote on revised Planning Board Bylaws and Rules.

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, November 17, 2015**
Meeting Time: **7:00 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), Curtis J. Pratt (Alternate)

Members Not Present: Maggie Fogarty (Alternate)

Staff Present: Christopher Parker (Assistant City Manager), Donna Benton (Assistant City Planner), Elena Piekut (Assistant City Planner), Daniel Lynch (Finance Director), Anthony Blekinsop (City Counsel), David Terlemezian (Police Captain), Tracy Smith (Recording Secretary)

The Chair called the meeting to order at 7:12 p.m.

1. CITIZENS' FORUM

Citizens Forum Open. Nobody Spoke. Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

October 27, 2015 Regular Meeting Minutes & November 10, 2015 Workshop Meeting Minutes.

Motion: K.Schuman made a motion to approve the October 27, 2015 Regular Meeting & November 10, 2015 Workshop Meeting Minutes. Seconded by D.White. Vote U/A

3. OLD BUSINESS

- A. Public hearing, discussion and possible vote 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.

Public Hearing Opened. Nobody Spoke. Public Hearing Closed.

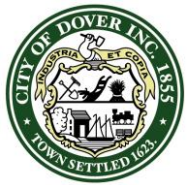
D.Lynch, Finance Director, gave an overview of the School Debt limits and the financing of the Dover High School project and answered questions from the Board members. He explained bond issues regarding debt repayment. He distributed a document to the Board members regarding the payments and explained the wrap around debt repayment approach.

C.Parker explained the CIP preplanning process.

C.Parker gave an update on two items with the City Council regarding the opportunity to purchase an ambulance in the amount of \$25,000.00, and changes to the water fund to keep the rate increases at a steady impact instead of using reserve funds to pay utility costs. The City Council will hold a public hearing on November 18, 2015.

Motion: W.Garrison made a motion to recommend the City Council approve the Capital Improvements Program as presented and amended (to include additional ambulance purchase and adjustments to the Water Fund projects). Seconded by K.Schuman. Vote U/A

4. NEW BUSINESS



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, November 17, 2015**
Meeting Time: **7:00 pm**

- A. Consideration and acceptance of a Waiver Request (pavement side setback) for B-Team Realty, LLC, (Owner: B-Team Realty, LLC & Joseph M. Gabriel), Assessor's Map 37, Lots 28 & 29, zoned Office, located at 798 & 800 Central Avenue, (Construct 6,700 sq. ft. shared parking lot. Proposal is for 17 total parking spaces, where currently 13 exist between both properties). *(P15-49)

C.Parker gave an overview of the waiver request and stated the application was reviewed by the Planning Technical Review Committee (TRC), and the changes made. D.White will be working with the applicant on the rain garden.

D.Ciotti explained why the Board members needed to hear item 4.B before 4.A, and thanked the applicant for allowing the change in the agenda.

Attorney F.X. Bruton represented the applicant and stated the project involves creating a shared parking lot with the neighbor. The property was purchased by a computer networking consulting firm, and it was determined a shared parking lot would be beneficial to both properties. He explained the waiver request as stated in the application packet. He stated the conditions by TRC regarding the easement and the changes made accordingly. The project will begin in the Spring 2017.

D.Ciotti requested the status of the garage. F.X.Bruton stated the garage will remain and will be used for storage.

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

Public hearing opened. Nobody spoke. Public hearing closed.

STAFF RECOMMENDATION:

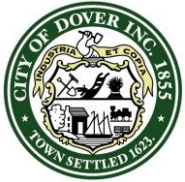
The Planning Department recommends that the Planning Board approve the waiver with the following conditions:

1. The applicant shall revise the plat to include Professional Engineer and Licensed Land Surveyor signatures and stamps.
2. The applicant shall revise the plat to indicate a cross access easement between both lots.
3. The applicant shall revise the plat on Sheet 2 to indicate how many units are in the house to accurately calculate parking maximum.
4. The Stormwater Operations and Maintenance plan for the rain garden along with who will maintain it must be reviewed and approved by the City Engineer.

K.Schuman clarified the landscaping recommendation with C.Parker. F.X.Bruton explained they are trying to preserve the trees on the property, and the issues to the rain garden. He explained the location of the trees, and expressed willingness to work with the Staff and wanting the property to look nice.

K.Schuman expressed his concern with streetscape parking lots where vehicles are closer to the curb than they are now. C.Parker stated as part of the goal setting in January, there will be an evaluation of the CBD requirements of this nature to determine the application of those requirements in other districts, such as screening cars from the public right of way.

Motion: K.Schuman made a motion to approve the waiver request subject to staff recommended conditions listed above. Seconded by F.Torr. Vote U/A



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Meeting Date: **Tuesday, November 17, 2015**
Meeting Time: **7:00 pm**

- B. Consideration and acceptance of a Conditional Use Permit, for Temescal Wellness, Inc., (Owner: Jewett Commercial Park, LLC), Assessor's Map G, Lot 31-3, zoned I-2, located at 26 Crosby Road. (Proposed operation of an Alternative Treatment Center utilizing 2,500 sq. ft.). *(P15-52)

C.Parker gave an overview of the application and the process the City followed to establish the treatment center. He gave an overview of the vetting process of the security plan. He stated Police Captain David Terlemezian was present to answer any security questions.

Attorney Karen McGinley, Devine Millimet in Manchester, represented the applicant and stated Ted Rebholtz, President, Brandon Pollock, Vice-President, and Anthony Parrinello, Executive Director representing the Temescal Wellness, Inc. were also present. She stated the requirements of the Conditional Use Permit and the applicant's rights to pursue a license is pending. The State awarded the right to pursue for four facilities. The license is currently pending until the State requirements have been met. She reviewed the requirements established for this District and stated the center is meeting the requirements.

Motion: F.Torr 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 approve the application with the suggested conditions:

1. Temescal Wellness shall submit actual hours of operation, and days of the week, to the Planning and Police Departments as changes occur.
2. The Police Chief shall confirm that all security measures are in place prior to issuance of the Certificate of Occupancy.
3. Signage shall meet the standards of He-C 402.23 ATC "Advertising Restrictions."

C.Parker stated the restricted signage be maintained according to the State regulations.

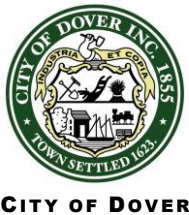
C.Plante requested information regarding the exterior lighting plan. C.Parker clarified there is no residential in the surrounding area, and the lighting is appropriate for safety.

Motion: F.Torr made a motion to approve the Conditional Use Permit subject to staff recommended conditions. Seconded by C.Plante. Vote U/A

- C. Consideration and acceptance of a Minor Lot Line Adjustment for Arthur Gagnon, Assessor's Map H, Lots 2A-1 & 2A-2, zoned R-40, located at Freshet Road. *(P15-53)

C.Parker gave an overview of the application.

Christopher Berry, Berry Surveying & Engineering, represented the applicant who purchased the lots that were subdivided in 2012. The applicant is a builder and has begun building on the property. The lot has a right of way through it, belonging to Public Service of New Hampshire and the City of Portsmouth. The applicant wants to maintain the privacy and a vegetative buffer provided to the second lot, and has worked hard to place the structure on the property to maintain the vegetative buffer that exists along the right of way. Initially, the driveway was to be placed at the center line of the easement; however, there was not appropriate access to the home or lot with this



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plan because the easement did not go far enough. The applicant chose to pursue a Lot Line Adjustment so the owner of the property could own and maintain their own driveway.

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

Public Hearing Opened. Nobody Spoke. Public Hearing Closed.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board accept the application 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 Planning File number P15-53 to the title block.

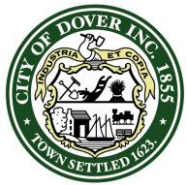
Motion: T.Clark made a motion to approve subject to staff recommended conditions. Seconded by K.Schuman. Vote U/A

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

- D. Consideration and acceptance of a Conditional Use Permit for Berry Surveying & Engineering, (Owner: Mark and Suzanne Jones), Assessor's Map 11, Lot 14, zoned R-12, located on Arch Street. (Proposal is for a wetland impact of 250 sq. ft. and a 50-foot wetland buffer impact of 8,026 sq. ft.). *(P15-50)
- E. Consideration and acceptance of an Open Space Subdivision for Mark & Suzanne Jones, Assessor's Map 11, Lot 14, zoned R-12, located at Arch Street. (13 lots) *(P15-16)

C.Parker gave an overview of application and stated the Staff is recommending a site walk for this application, and to table the application until after a site walk occurs.

Christopher Berry, Berry Surveying & Engineering represented the applicants. Mark and Suzanne Jones were present, as well as, Attorney Derek Durbin. He gave the information of the project as stated in the application material. He explained the existing features of the property to include man-made drainage and its location, as well as the history of the property. He provided the location of the wetlands on the property, as well as, the developable property and stated it was determined the site is best suited for an Open Space Subdivision and explained the requirements pertaining to the Subdivision to preserve open space. He gave details regarding the development pertaining to the proposed private road for 13 lots to include homes with a garage, as well as, the drainage plan with the rain garden and the discharge of the rain water to the wetlands. There will be two roads with the project: Isabella Drive and Adams Drive. He addressed the TRC and Conservation Commission comments and stated they grated out Adams Drive to give the Committees a better idea of the development layout. He explained the overflow parking for visitors in a central location off Isabella drive. There will be seven spaces. He stated the project would consist of a hammerhead design, and the template was submitted to the Fire Safety Inspector for analysis. He explained the reason for the waiver for the buffer, and stated there would be plantings for sound barrier. He further explained the traffic analysis and when it was conducted adjacent to Washington Street and Silver Street construction. He stated the drainage analysis has been submitted to the Engineering Department, as well as the responses to the TRC.



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C.Plante requested clarification regarding sheets 135 and sheet 435 on the plans. C.Parker stated sheet 135 is the yield plan to show the density permitted.

L.Skinner confirmed the amount of open space to be created is 6.69 acres for non-development, and the amount of that open space that is not existing wetlands is 193,873 sq. ft. (approximately four acres).

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

Public hearing opened.

Cathy Vanderweil, 20 Arch Street, a direct abutter to the proposed development. She stated her property has a 100 year old drainage pipe that has been omitted from plan which is located 154 ft. from the property line. She purchased her property in 2006, and the tags are above the drainage. She stated her concern that the development would create flooding on her property causing a hardship for her due to rainwater from the street which runs down her driveway in to a catch basin at her garage. She stated the development would impact her and her neighbors.

David Ferguson, 16 Arch Street, stated his agreement with the previous concerns, as well as the 15 ft. – 30 ft. variance for construction.

Nancy Coady Carroll, 17 Arch Street, stated traffic concerns and the need and reasons for traffic calming, as well as concerns with the traffic study. There have been homes built on Tolend Road since the traffic study in 2013.

Janis Yuskaitis, 34 Arch Street, stated her concerns regarding the waiver for the right of way, the environmental impact of the development and how wildlife would be affected, traffic concerns, as well as, concerns regarding trash disposal.

Public hearing tabled.

Discussion ensued regarding the traffic study, and that it was not updated due to Silver Street construction and ideas for traffic calming on Arch Street.

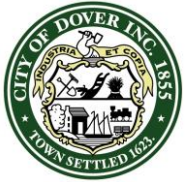
C.Parker stated he will discuss the drainage issues with D.White, and will reevaluate the waiver requests and changes that could be made to the plans. He further stated the site walk would help to determine the layout and the vegetation and screening for the abutters.

W.Garrison requested the requirement for additional parking. C.Berry stated they chose that plan due to the parking prohibited on the street. C.Parker showed the location of the additional parking on the plan. K.Schuman confirmed the spaces would be maintained.

W.Garrison confirmed there would be a Homeowner Association for the trash removal. C.Berry stated they would reevaluate the trash disposal and would consider private trash removal to create zero impact. C.Parker stated they could add a note to the plan set regarding private collection.

STAFF RECOMMENDATION: (P15-50) (15-16)

The Planning Department recommends the Planning Board table the applications and schedule a site walk.



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Motion: C.Plante made a motion to table items 4.D and 4.E to schedule a site walk. Seconded by F.Torr. Vote U/A

C.Parker stated the next Planning Board meeting is scheduled for December 15, 2015.

The site walk was scheduled for Saturday, November 21, 2015 at 9:00 a.m. C.Vanderweil offered her driveway for parking for the Board members. D.Ciotti stated he was unable to attend the site walk.

- F. Consideration and acceptance of a Conditional Use Permit for the replacement of the Whittier Street Bridge (Owner: City of Dover), Assessor's Map 34, Lot 20B, zoned R-12 and RM-U, located at Whittier Street. (Permanent wetland impact of 4,592 sq. ft. and temporary wetland impact of 6,428 sq. ft.) *(P15-54)

C.Parker gave an overview of the application and stated the history regarding the bridge and the need for repair. The City of Dover is working with the State to rebuild the bridge. He explained the wetlands impact and that the Conservation Commission has met and endorsed the project.

D.Ciotti stated his concern with possible flooding and asked if the new bridge be higher. D.White explained the construction process for rebuilding the bridge, and how possible flooding issues would be addressed.

T.Clark requested information regarding the traffic pattern. C.Parker stated there would be signs and detours established. The project would take approximately one year to complete. The expected completion is Spring 2017.

Motion: K.Schuman 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 the Planning Board approve the Conditional Use Permit with the following conditions:

Condition to Be Met Prior to the Issuance of the Conditional Use Permit:

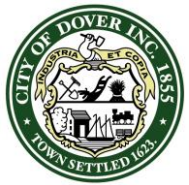
1. The applicant shall obtain a NHDES wetlands permit.

Motion: K.Schuman made a motion to approve subject to the staff recommended conditions. Seconded by W.Garrison. Vote U/A

- G. Public Hearing to consider and possibly vote on amendments to Chapter 149, entitled "Site Review Regulations" of the code of the City of Dover. Amendments include revised parking regulations in section 149-14-D.

C.Parker gave an overview of the parking regulations process.

C.Plante requested input from the public before passing regulations for parking. D.Ciotti stated this information was posted for the public. C.Parker stated the only questions received were from professional development agents, and he stated the changes to the regulations for multi-family residential units and shared parking where they have received positive feedback.



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Public hearing opened. Nobody spoke. Public hearing closed.

C.Plante stated her concern regarding the reason the Committee addressed the parking regulations due to the amount of waivers for parking with the Conditional Use Permits requested. She explained the options available to the Committee and the change established to the requirements to put in maximums. She requested the need for more public input on the matter. K.Schuman stated the parking was vetted through workshops provided, and due to the little public feedback, he recommended not to delay any further.

Motion: K.Schuman made a motion to approve the amendment. Seconded by T.Clark. Vote 8/1

5. STAFF COMMENTS

C.Parker presented a lot merger for lot restoration for the Board members to approve. It does not require a public hearing. D.Ciotti read the lot merger for 30-32 East Watson Lane to the Board members who agreed with a show of hands.

C.Parker stated the parking garage will be open next Wednesday for a grand opening, and there would be an opportunity to park in the garage for the holiday parade.

C.Parker stated the Silver Street construction and landscaping is almost complete. He confirmed with D.White the date of completion to be by November 20, 2015.

D.Ciotti stated people wanted to cross Silver Street at Belknap. C.Parker stated the crosswalks established are at the safest locations for people to cross. D.White stated they are still discussing those locations.

C.Parker recognized Elena Piekut for the work and time spent learning the State regulations and working with the company for the Alternative Treatment Center.

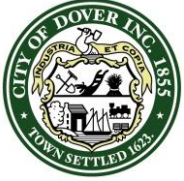
C.Parker stated the City Council has established the Heritage Commission to protect historical resources within the community. This Commission will be working with the master plan. C.Parker and D.Ciotti will evaluate recommendations for the Committee.

6. MEMBER COMMENTS

F.Torr stated he would like to see the stop signs the at intersection at Washington Street established as permanent with a flashing light added to slow traffic. D.Ciotti stated there have been no incidents at Long Hill Road since they put in stop signs and lights. C.Parker will bring suggestions to the Transportation Advisory Commission.

7. ADJOURNMENT

Motion: K.Schuman made a motion to adjourn at 9:12 p.m. Seconded by L.Skinner. Vote: U/A



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P15-50

Application Type: Conditional Use Permit
Applicant(s): Berry Surveying & Engineering
Owner(s): Mark and Suzanne Jones
Location: Arch Street (Assessor's Map 11, Lot 14)
Meeting Date: December 15, 2015

INTENT: To obtain a Conditional Use Permit for a wetland impact of 250 sq. ft. and a 50-foot wetland buffer impact of 8,026 sq. ft.

LOTS/UNITS PROPOSED: 13 lots

AGENDA ITEM #: 3-A

ACREAGE: 12.08 Acres

ZONING DISTRICT: Medium Density Residential (R-12)

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Single Family residential

SURROUNDING LAND USE: Single Family residential and commercial

ZBA ACTION: None

ATTACHMENT: For previous attachments, please bring materials from the November 17 meeting.

APPLICATION IS COMPLETE: Yes

NOTICES SENT: Abutter notices were sent by certified mail to all abutters for the November 17 meeting

PERMITS REQUIRED:

- NH DES Wetlands Permit

WAIVERS REQUESTED: None

Summary of Request and Background

The applicant is requesting a Conditional Use Permit for work in about 250 sq. ft. of wetlands and 8,026 sq. ft. impact in the 50-foot wetland buffer. These impacts would allow access to buildable upland areas for the purposes of constructing 13 single family homes.

The applicant appeared before the Conservation Commission on October 13, 2015. The Conservation Commission voted to endorse the application.

The Planning Board voted to accept the application on November 17, 2015.

The Planning Board held a Site Walk on November 21, 2015.

Consistency with Land Use Regulations

The Wetlands Protection District ordinance provides for Conditional Use Permits to allow impacts to wetlands and areas within 50 feet of wetlands if standards related to demonstration of need, avoidance, minimization, and mitigation are met. This proposal is consistent with those standards.

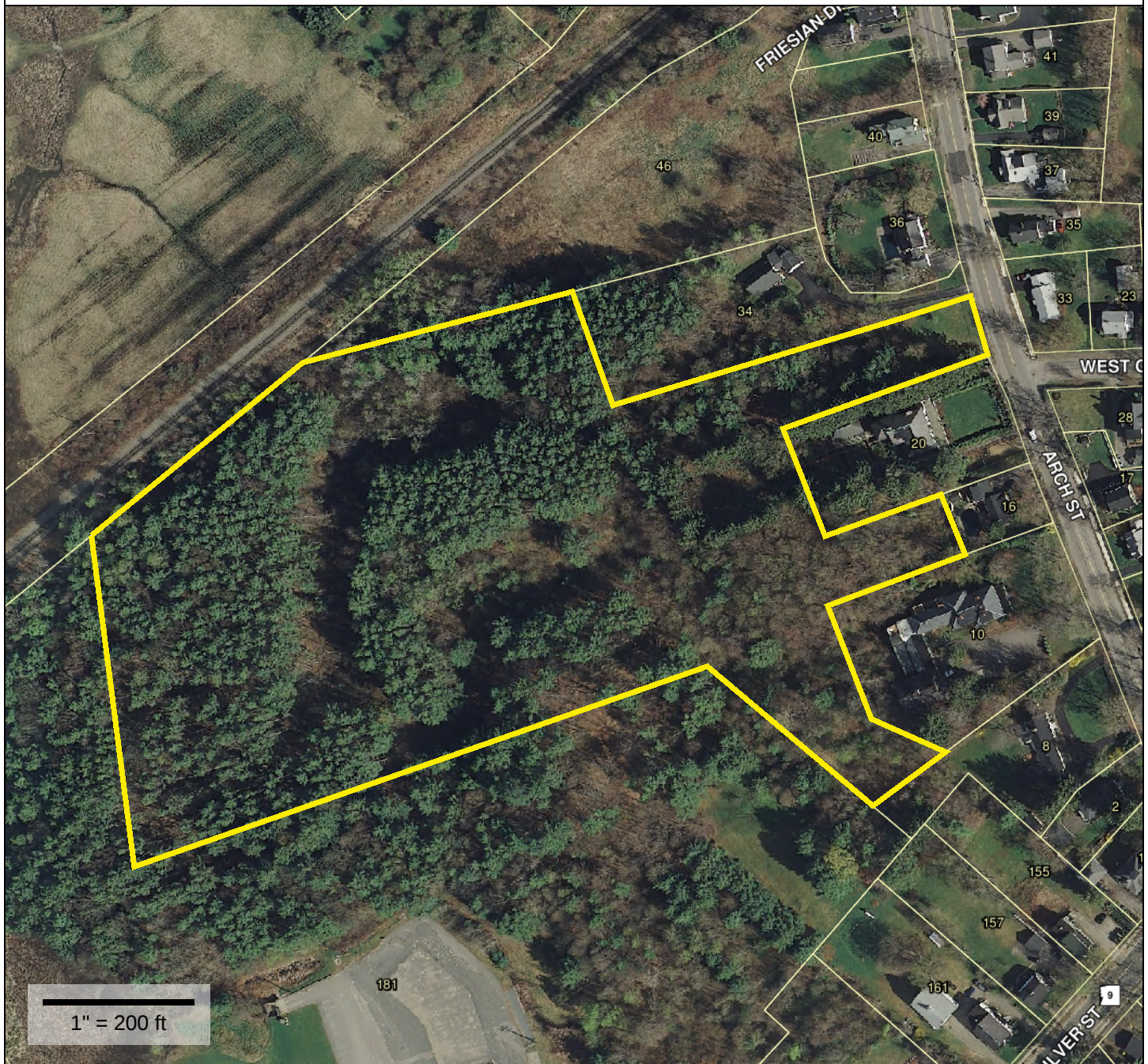
STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board re-open a public hearing and approve the Conditional Use Permit with the following conditions:

Conditions to Be Met Prior to the Issuance of the Conditional Use Permit:

1. The subdivision plan (P15-16) shall be approved.
2. The erosion and sediment control features shall be installed prior to any earth disturbance activities.
3. NH DES Wetlands Permit granted with the permit number added to the subdivision plan and a copy of the permit submitted to the City.

Arch Street - Jones

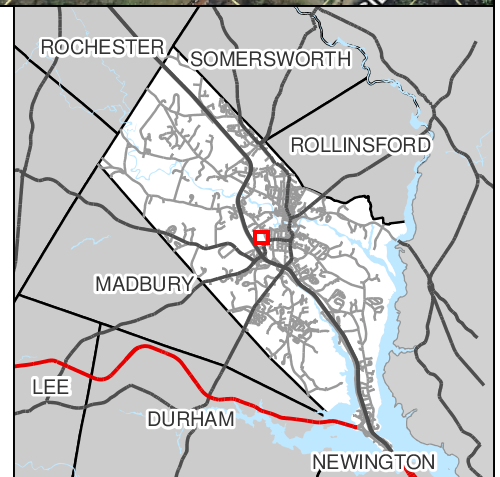
**Property Information**

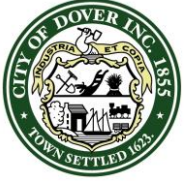
Property ID 11014-000000
Location ARCH ST
Owner JONES MARK W &
JONES SUZANNE M

**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

PLANNING BOARD - STAFF MEMO FILE #P15-16

Application Type: Open Space Subdivision
Applicant: Berry Surveying & Engineering
Owner: Mark and Suzanne Jones
Location: Arch Street (Tax Map 11, Lot 14)
Meeting Date: December 15, 2015

INTENT: Subdivision Plan Review to create an open space subdivision containing thirteen (13) lots plus an open space lot.

LOTS/UNITS PROPOSED: 13 lots plus one open space lot

AGENDA ITEM #: 3-B

ACRES: 12.08 acres

ZONING DISTRICT: Medium-Density Residential District – R-12

EXISTING LAND USE: Vacant

SURROUNDING LAND USE: Single family residential and commercial

PROPOSED LAND USE: 13 new single family residential lots

ZBA ACTION: None

ATTACHMENTS: Revised Subdivision plan and letter from applicant dated December 3, 2015

APPLICATION IS COMPLETE: Yes

NOTICES SENT: Abutter notices were sent by certified mail to all abutters for the November 17, 2015 meeting

PERMITS REQUIRED:

- Conditional Use Permit
- NH DES Wetlands Permit

WAIVERS REQUESTED:

- To Chapter 155-22-F to reduce 30 foot perimeter buffer to varying lengths with the minimum being 15 feet
- To Chapter 155-33-A to allow a right-of-way width of 31' instead of the required 50'

Summary of Request and Background

The applicant has submitted a plan for an Open Space Subdivision to subdivide an existing lot into 13 house lots plus one open space lot. The units would be serviced by municipal water and sewer and be accessed by a private road.

The applicant met with the Technical Review Committee (TRC) on March 26, 2015. After a meeting with Planning Staff on November 3, 2015, it was decided that the plan did not need to go back to TRC before the Planning Board meeting.

The Planning Board voted to accept the application on November 17, 2015 and held a Site Walk on November 21, 2015.

Consistency with Land Use Regulations

Chapter 155-15 of the Land Subdivision Regulations of the City Code provides for subdivisions of existing lots.

Chapter 155-22 allows an open space subdivision in the R-12 District if the lot is a minimum of five acres.

Waiver Requests:

The applicant is requesting a waiver to Chapter 155-22-F to reduce the 30 foot buffer to 15 feet along. A waiver request has been submitted for Chapter 155-33-A to allow a right-of-way width of 31 feet instead of the required 50 feet also.

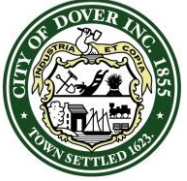
The applicant has submitted a letter that includes the justification for the requests.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board re-open the public hearing, and approve 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 Professional Engineer, LLS, and Certified Wetland Scientist shall stamp and sign final plans.
3. The applicant shall provide the Planning Department with a digital version of the final plat.
4. A Conditional Use Permit (P15-50) shall be granted.
5. The approval includes the granting of the waivers requested for the reasons stated by the applicant. The Board finds that the criteria of Chapter 155-51.A have been met.
6. Within 10 days of the date of the Planning Board's approval the applicant shall file a voluntary non-suit with prejudice regarding



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P15-16

Application Type: Open Space Subdivision
Applicant: Berry Surveying & Engineering
Owner: Mark and Suzanne Jones
Location: Arch Street (Tax Map 11, Lot 14)
Meeting Date: December 15, 2015

all claims brought, or that could have been brought, in Jones v. City of Dover in the Strafford County Superior Court, docket number 219-2011-CV-00226.

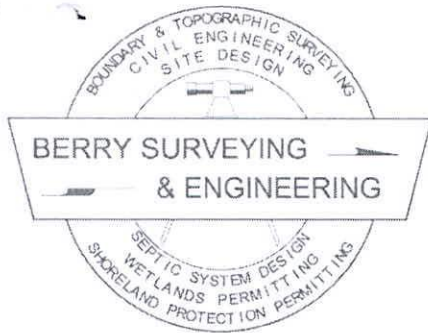
7. The applicant shall revise the plat to:
 - a. add a legend to sheet 8
 - b. number or identify each easement detail on sheet 6 and then reference those easement details on sheet 5
 - c. add a note that the lot numbers shall be assigned by the Assessing office
8. A comprehensive sidewalk plan for Arch Street and the addition of landscaping along 33 Arch Street shall be reviewed and approved by the Planning Director.
9. The applicant shall submit proposed Homeowner's Association Documents addressing private trash removal at end of individual driveways, access to the open space lot, preservation of perimeter landscaping, and ownership and maintenance of common areas including open space, parking area, lighting, roadway, drainage infrastructure and utilities, and potential future walking trails. These documents shall be reviewed by the Planning Department, with consultation by the City Attorney on compliance with conditions.

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

10. A copy of the recorded drainage easement granted to the owners of Lot 13 to allow for the drainage to be placed in the rain garden shall be provided to the Planning Office.
11. Any new building shall pay the current impact fees in place at the time of building permit application.
12. Any new building shall be assessed the current water/sewer investment fees in place at the time of application for water/sewer service and pay the fees before water/sewer services are established.

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

13. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
14. The applicant shall submit documentation that a Homeowner's Association has been formed.



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road
Barrington, NH 03825
Phone: (603) 332-2863
Fax: (603) 335-4623
www.BerrySurveying.Com

December 3, 2015
City of Dover Planning Department
Attention: Chris Parker
288 Central Ave.
Dover, NH 03820

RE: Staff Comments
Arch Street
Dover, NH
Preliminary Planning Review

Director Parker,

Based on comments from a preliminary planning review dated November 30, 2015, we respectfully submit the following comments. Our comments are in **bold**.

1. Install a sidewalk along Arch Street from the private way to Silver Street before a CO is issued. A survey of what sidewalk is existing and what gaps need to be filled should probably be completed but does not necessarily need to be in this plan set.

We have walked the line of sidewalk between the project site and the new improvements on Silver Street. There are existing areas of brick walk that are in good working order, which needs no further modification. There are areas of brick walk that are overgrown with loam and grass vegetation. This should be removed and the bricks are to be cleaned. Lastly, there is bituminous walk that should be removed and re-paved between the project site and the brick walk. We have added this construction item to the plan and profile sheet for Isabella Lane.

2. The 15' setback should be revised to the 30' setback if you are withdrawing that waiver request.

The 15' setback has been replaced by a 30' buffer along the "neck" portion that touches the Jalbert property. Additionally, a 50' buffer is proposed against the Ferguson property. The waiver request remains whereas the other reductions are still being requested.

3. It has been suggested that a recreation trail be installed through the open space land and connect to the McIntosh property (181 Silver Street.)

The applicant is not interested developing a recreation trail through the open space. The HOA will be empowered to do so if deemed appropriate at a further date.

4. Please revise the plan [to say] that wetland and setback markers be required.

This note has been added to Page 8 of the plan set.

5. Please address the drainage on 20 Arch Street to tie into your system.

We believe that by cutting the drain line back to nearly the property line at elevation 93.0, the drain can remain and discharge into the rain garden. This has been added to the grading plan for Isabella Drive.

6. Please add a note that any curb boxes located in the pavement shall have a water gate road box placed over them.

This has been added to Page 8 of the plan set.

7. Private trash and recycling pickup at each house should be noted on the plan.

This has been added to Page 8 of the plan set.

8. Some form of screening from headlights may be needed for 33 Arch Street. Please contact the homeowner on whether they would like landscaping or fencing.

We are told the applicant has reached out to this land owner. He has been told that she would like bushes planted within the City Right of Way, or nothing at all. Understanding the City would not be interested in bushes within their Right of Way, not further action is being taken at this time.

9. Please amend note 29 on page 8 to include, "Tree clearing limits are to be marked out and approved by the City prior to work."

This note has been amended.

Respectfully submitted,

BERRY SURVEYING & ENGINEERING

Christopher Berry
Principal and President

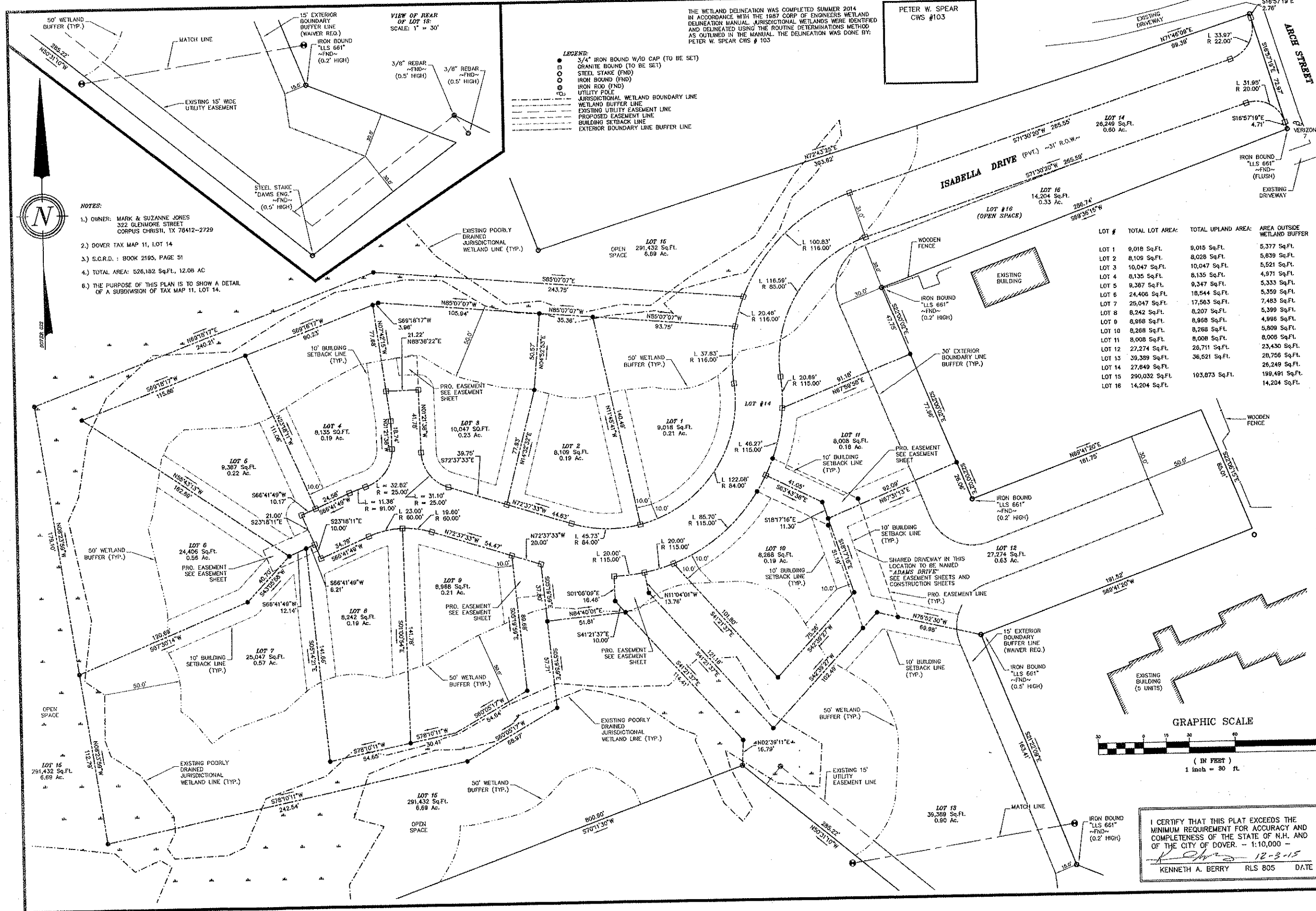


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NOTES:

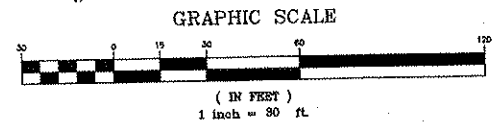
- 1.) OWNER: MARK & SUZANNE JONES
322 GLENMORE STREET
CORPUS CHRISTI, TX 78412-2729
- 2.) DOVER TAX MAP 11, LOT 14
- 3.) S.C.R.D. : BOOK 2193, PAGE 51
- 4.) TOTAL AREA: 526,182 Sq.Ft., 12.08 AC
- 6.) THE PURPOSE OF THIS PLAN IS TO SHOW A DETAIL
OF A SUBDIVISION OF TAX MAP 11, LOT 14.

THE WETLAND DELINEATION WAS COMPLETED SUMMER 2014
IN ACCORDANCE WITH THE 1987 CORP OF ENGINEERS WETLAND
DELINEATION MANUAL. JURISDICTIONAL WETLANDS WERE IDENTIFIED
AND DELINEATED USING THE ROUTINE DETERMINATIONS METHOD
AS OUTLINED IN THE MANUAL. THE DELINEATION WAS DONE BY:
PETER W. SPEAR CWS #103

PETER W. SPEAR
CWS #103

LEGEND:
• 3/4" IRON BOUND W/AD CAP (TO BE SET)
• GRANITE BOUND (TO BE SET)
• STEEL STAKE (FND)
• IRON BOUND (FND)
• IRON ROD (FND)
• UTILITY POLE
--- JURISDICTIONAL WETLAND BOUNDARY LINE
--- WETLAND BUFFER LINE
--- EXISTING UTILITY EASEMENT LINE
--- PROPOSED EASEMENT LINE
--- BUILDING SETBACK LINE
--- EXTERIOR BOUNDARY LINE BUFFER LINE

LOT #	TOTAL LOT AREA:	TOTAL UPLAND AREA:	AREA OUTSIDE WETLAND BUFFER
LOT 1	9,018 Sq.Ft.	9,015 Sq.Ft.	5,377 Sq.Ft.
LOT 2	8,109 Sq.Ft.	8,028 Sq.Ft.	5,839 Sq.Ft.
LOT 3	10,047 Sq.Ft.	10,047 Sq.Ft.	5,521 Sq.Ft.
LOT 4	8,135 Sq.Ft.	8,135 Sq.Ft.	4,971 Sq.Ft.
LOT 5	9,387 Sq.Ft.	9,347 Sq.Ft.	5,333 Sq.Ft.
LOT 6	24,406 Sq.Ft.	18,544 Sq.Ft.	5,359 Sq.Ft.
LOT 7	25,047 Sq.Ft.	17,563 Sq.Ft.	7,483 Sq.Ft.
LOT 8	8,242 Sq.Ft.	8,207 Sq.Ft.	5,399 Sq.Ft.
LOT 9	8,968 Sq.Ft.	8,968 Sq.Ft.	4,996 Sq.Ft.
LOT 10	8,268 Sq.Ft.	8,268 Sq.Ft.	5,809 Sq.Ft.
LOT 11	8,008 Sq.Ft.	8,008 Sq.Ft.	8,008 Sq.Ft.
LOT 12	27,274 Sq.Ft.	26,711 Sq.Ft.	23,430 Sq.Ft.
LOT 13	39,389 Sq.Ft.	36,521 Sq.Ft.	28,756 Sq.Ft.
LOT 14	27,849 Sq.Ft.		26,249 Sq.Ft.
LOT 15	290,032 Sq.Ft.	103,873 Sq.Ft.	198,491 Sq.Ft.
LOT 16	14,204 Sq.Ft.		14,204 Sq.Ft.



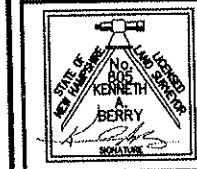
I CERTIFY THAT THIS PLAT EXCEEDS THE
MINIMUM REQUIREMENT FOR ACCURACY AND
COMPLETENESS OF THE STATE OF N.H. AND
OF THE CITY OF DOVER. - 1:10,000 -
KENNETH A. BERRY RLS 805 DATE 12-3-15

DOVER PLANNING FILE: P15-016

#	REVISION	DATE	DESCRIPTION
2	12/3/15		REVISED PER PLANNING COMMENT
1	11/3/15		REVISED PER TRC COMMENTS

OPEN SPACE SUBDIVISION DETAIL
FOR
MARK & SUZANNE JONES
ARCH STREET
DOVER, N.H.
TAX MAP 11, LOT 14

BERRY SURVEYING & ENGINEERING
335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825 (332-2863)
SCALE : 1 IN. EQUALS 30 FT.
DATE : MARCH 16, 2015
FILE NO. : DB 2013-010



To: Planning Board
From: Christopher Parker, AICP
Date: December 10, 2015
Re: Bylaw revisions
CC: N/A

ISSUE:

Questions raised about the bylaws regarding public hearings and voting rights of members, provided an opportunity for staff to review the bylaws, after 5 years.

INTENT:

This memo will communicate potential changes for the bylaws the Board can consider.

GOALS:

Keep the Bylaws current and consistent with local and state laws.

ATTACHMENTS:

- Bylaw amendments

Background

Recently, I was asked whether a speaker at a public hearing must be a Dover resident or property owner. Additionally, as we look to transition the leadership of the Board, the City Clerk noted that the Bylaws have two conflicting provisions for the election of officers. One section notes regular members vote, another section notes all members vote.

In reviewing the bylaws, it became clear that the last time the Board amended the bylaws was in 2010. Since that time, the City's General Legal Council has advised formatting and other changes to operating rules for various boards to account for minute taking, email and other Right to Know Activities. Staff has worked to produce proposed amendments to the Bylaws (attached). This memo will guide the Board through those.

Amendments

General

- Update formatting to be consistent with other City rules
- Update organization to be consistent with other City rules
- Update to incorporate City Seal

Article I

- New. Clarifies name of Board

Article II

- Previous Article I
- Revised to confirm local jurisdiction (Chapter 41)

Article III

- Previous Article II
- Renamed and expanded to include Membership and Attendance
 - o Attendance relocated from elsewhere
 - o Attendance updated to be consistent with Chapter 5

Article IV

- Previous Article III
- Added staff section at end

Article V

- Previous Article IV
- Revised to be consistent with Article IV A

Article VI

- Previous Article V
- Renamed
- Updated Roberts Rules Version
- Expanded to include 91-A Elements (Email, Minutes, Recording of meetings)
 - o Attendance relocated elsewhere

Article VII - XI

- Renumbered, minor clerical or formatting changes.

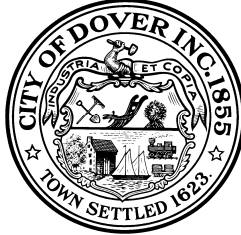
City of Dover New Hampshire

Planning Board By Laws and Rules

Approval Date: December 21, 2010 Authority: NH RSA 676:1

Revision Date: December 21, 2010 Revision No: 1

ARTICLE I—Authority



PLANNING BOARD **OPERATING RULES**

Article I. Name

The name of the committee is the Dover Planning Board ~~has all rights, powers,~~

Article II. Authority and Duties

~~1.1~~ The authority and duties authorized pursuant to RSA 676:1 and of the Planning Board shall comply with RSA 672 to RSA 677 and as authorized by the Dover City Council and/or the City Charter, Chapter 41.

ARTICLE II—Organization

Article III. Membership

A. Membership.

~~2.11~~ The Planning Board consists of nine (9) regular members and three (3) alternate members.

~~2.22~~ Three (3) regular members are ex-officio members. The ex-officio members are the City Manager or the City Manager's designee, an administrative official of the City selected by the City Manager, and a member of the City Council selected by the City Council.

~~2.33~~ Alternates may sit to fill the open seats of regular members at the call of the Chair or Presiding Officer, except for the seat held by the City Council member. Alternates shall be called to sit using a sequential rotation system.

~~2.44~~ Alternate members shall be allowed to participate in meetings as non-voting members, including discussions.

~~2.55~~ Only voting members shall be seated at the table.

~~6. ARTICLE III—Members shall be appointed to terms of three (3) years.~~

B. Attendance, Vacancies and Removal. All appointments to the board shall serve for the terms appointed and until a successor shall have been appointed and qualified. Members who fail to attend four (4) meetings out of any twelve (12) consecutive meetings held without due cause may be recommended by the Board for replacement by the City Council. Such failure to attend shall be deemed sufficient cause for the City Council to remove the member pursuant to RSA 673:13.

Appointments made to fill any vacancies shall be for full terms to begin the date of appointment by the appointing authority unless otherwise provided in state statute.

Article IV. Officers and ~~their Duties~~Staffing

~~3.1~~**A. Officers.** The officers of the Board shall consist of a Chair and Vice-Chair, who shall be elected by ~~the~~ Regular Members of the Board. ~~Ex-officio~~ members shall not be officers.

~~3.2~~

B. Duties of the Chair. The Chair shall be the Presiding Officer responsible for the conduct of all matters pertaining to the usual duties as described in Robert's Rules of Order.

~~3.3~~

Vice Chair. The Vice-Chair during the absence of the Chair shall perform all the duties of the Chair.

~~3.4~~**C.** In the absence of both Chair and Vice-Chair, the members present at a regular or special meeting shall select a temporary Chair to fulfill all of the duties of the Presiding Officer.

~~3.5~~**D. Secretary.** The Secretary shall be provided by and selected by the Planning Director.

E. ~~ARTICLE IV—Staff.~~ The City of Dover may provide staff support to the committee for meeting notification, typing, copying, and information gathering to the extent permitted by the city budget. All staff shall remain under the direction of the employer.

Article V. Election of Officers.

~~1.~~ ~~4.1~~ An annual meeting to elect officers by written ballot shall be held on the first meeting of January.

~~4.2~~ Candidates for any office shall be elected by a majority vote of the ~~entire regular~~ membership of the Planning Board. ~~The~~ elected candidates shall take office immediately.

~~4.3~~ Vacancies in offices shall be filled at the next regular meeting using the regular election procedure.

ARTICLE V—Conduct of Meetings

~~Article VI. Procedures~~

~~5.1~~**A. Regular Meetings and Workshops.** ~~The~~ Planning Board shall meet on the second and fourth ~~Tuesday's~~ Tuesday of each month at 7:00 ~~PM~~ p.m. in the City Council Chambers.

~~5.2~~

B. Special Meetings. Special Meetings may be called by the Chair, Vice Chair or Planning Director. Members shall be notified by e-mail at least forty-eight (48) hours in advance of a Special Meeting.

~~5.3~~

~~5.4~~**C. Cancellations or Exceptions to Meeting Schedule.** Members shall be notified by the Chair, Vice Chair or Planning Director ~~email~~ by e-mail at least four ~~(4)~~ hours in advance or by telephone if less than four ~~(4)~~ hours in the event of a cancellation or change to the meeting schedule.

~~5.5~~**D. Non-Public Sessions.** Non-public sessions shall be convened in accordance with RSA 91-A:3.

~~Robert's Rules. All Meetings are conducted in accordance with~~

E. Parliamentary Authority. The parliamentary authority for the board is Robert's Rules of Order, Tenth Edition Revised, 110th ed., or duly published successor edition, except as provided by these rules or later edition approved by the City Council. local, state or federal law.

~~5.5~~

5.6F. Quorum. A quorum shall consist of five (5) members. In the absence of a quorum at a regular or properly called meeting, the meeting shall be considered adjourned and rescheduled by the Chair or Presiding Officer.

5.7G. Order of Business. Business at regular or special meetings shall be taken up in the sequence of the posted agenda. The Presiding Officer, or any voting member, may request that an agenda item be reordered. The voting members shall by majority vote approve or reject any such request.

5.8H. Conflicts of Interest. Planning Board Members with a direct personal or pecuniary interest in a matter before the Planning Board, shall not introduce, speak or vote on any motion, ordinance or resolution. The Chair shall fill the open seat of a member who has declared a conflict of interest with an alternate member except the seat held by the City Councilor ex-official/officio member.

5.9I. Procedure. Actions shall be taken on the basis of a motion duly seconded made by any member of the Board. The number of votes necessary to transact business shall be a majority of those members present and voting except that no issue is to be considered passed that receives less than three (3) affirmative votes. Any member may request recording of his vote in the negative or abstention on any issue or his withdrawal from consideration on any issue with the reason stated therefore, and at the request of any member, the Chair shall call for a recorded roll call vote on any issue.

~~5.10 Attendance. In accordance with the Administrative Code of Dover relating to the attendance of members of Boards and Commissions, regularly scheduled meetings and workshops shall constitute meetings used for attendance purposes. Planning Board Members are expected to attend all meetings unless otherwise excused prior to regularly scheduled meetings and workshops. Members unable to attend a scheduled meeting shall notify the Chair and Planning Director by City e-mail. Meeting attendance requirements shall be governed by Chapter 5-1-C of the Code of Dover. It shall be the responsibility of the Chair or Vice-Chair to contact the member.~~

ARTICLE VI-

J. Minutes. Minutes shall be kept for all meetings of the board. The minutes shall include the names of the members in attendance, all actions, motions and resolutions coming before the public body including the votes of the members, and a summary of all discussions. Draft minutes shall be provided to the City Clerk within five (5) business days of each meeting for posting on the city website in draft form. Draft minutes shall be clearly marked "DRAFT". Draft minutes with or without revisions shall be approved by the committee at the next meeting of the committee, or as soon as possible. Final approved minutes shall be provided to the City Clerk for posting on the city website.

K. Recording of Meetings. The committee shall arrange for video recording of all meetings. If video is not available, meetings shall be recorded using audio equipment. All recordings shall be provided to the City Clerk within five (5) business days of the meeting.

L. E-mail accounts. Board members may obtain a City of Dover e-mail address to facilitate communications regarding meetings, agendas and the dissemination of information. Committee members shall refrain from using e-mail to discuss issues with other members where the e-mail discussion directly or indirectly involves a quorum of the committee. In addition, committee members shall refrain from conducting the official business of the committee outside the view of the public and the press unless permitted by state law.

M. Nonpublic meetings. The committee may conduct nonpublic meetings pursuant to the laws of the State of New Hampshire. The Chair shall conduct nonpublic meetings utilizing the Checklist prepared by General Legal Counsel for nonpublic meetings.

N. Amendment of Rules. These rules may be repealed or amended by a vote of the Dover City Council based upon the recommendation of the committee.

Article VII. Committees

6.1

Special purpose and study committees as the Planning Board may from time to time deem necessary in order to conduct its business, shall be appointed by the Chair and any such committees shall cease to exist when their final report is acted upon by the Planning Board or at the next annual organizational meeting, whichever is sooner.

ARTICLE VII—

Article VIII. Public Hearings

7.1

A. The Chair or the Presiding Officer shall call the hearing into session and identify the name and address of the Applicant or Speaker.

7.2

B. During the presentation, members of the Planning Board may ask questions of the Applicant or Speaker when recognized by the Chair or Presiding Officer.

C. An Applicant or Speaker wishing to ask a question of another party must first be recognized by the Chair ~~or~~ Presiding Officer.

7.3

~~7.4~~D. An Applicant, abutter or any other person with a direct interest in the subject matter under discussion, may testify in person or in writing. All other interested persons may testify as permitted by the Chair or Presiding Officer.

~~7.5~~E. Each person who speaks shall be required to state their name and address and to identify themselves as a party to the matter at hand, or an agent or counsel to the Applicant or Abutter.

~~7.6~~F. Other interested parties such as representatives of City Departments, Boards or Commissions shall ~~to~~ be allowed to present their comments in person or in writing.

~~7.7~~G. The Chair or Presiding Officer shall declare a hearing closed or adjourned pending the submission of additional material or information or the correction of the noted deficiencies. In the case of an adjournment, additional notice is not required if the date, time and place of the continuation is made known at adjournment.

ARTICLE VIII—Article IX. Decisions

A. ~~8.1~~The Planning Board shall render a written decision within sixty-five (65) days of the date of acceptance of a completed application, subject to extension or waiver as provided in RSA 676:4.

8.2

B. The Planning Board shall act to approve, conditionally approve, or disapprove.

8.3

C. Notice of decision will be made available for public inspection at the Planning Department within five (5) business days after the decision is made, as required in RSA 676:3. If the application is disapproved, the Planning Board shall provide the applicant with written reason for this disapproval.

ARTICLE IX—Article X. Reconsideration

~~9.1~~A. The Planning Board may reconsider any decision to approve or disapprove an application, for good cause, provided it is within the statutory appeal period. Upon successful passage of the

motion, the Planning Board shall schedule a public hearing, with notice as provided in RSA 676:4, I(d), where they shall consider whether or not to revise or alter their original decision. Should the Planning Board reach a new decision, a new appeal period shall be considered to have begun pursuant to RSA 677:15.

ARTICLE X–Article XI. Amendments

~~10.1A.~~ The Dover Planning Board may suspend any of these rules by a two-thirds (2/3) majority of voting members present.

~~10.2~~

B. These rules may be amended at any regular or special meeting by a two-thirds (2/3) vote of the entire membership of the Planning Board, including alternates. Amendments presented at any regular or special meeting may not be voted upon until the next regular meeting.