

CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, August 12, 2008
Meeting Time: 7:00 pm

REGULAR MEMBERS PRESENT: Don Andolina, Doug Steele, Frank Torr, Marcia Colbath, Perry Plummer, Tony McManus, John Swartzendruber

REGULAR MEMBERS ABSENT: Ron Cole

ALTERNATE MEMBERS PRESENT: Linda Merullo, Ron Stock

STAFF PRESENT: Christopher Parker, Planning Director and Jennifer Bretz, Recording Secretary

Meeting called to order at 7:02 PM.

Tony McManus sat in for Chairman Ron Cole.

Kirt Schuman sat in for Tony McManus.

1. Citizens' Forum – None

2. Approval of the July 22, 2008 minutes.

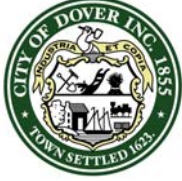
Motion: Torr made the motion to accept the minutes, Plummer seconded. Vote: U/A.

3. New Business

A. Consideration and acceptance on a site plan of land for Churchill Realty Trust (Owners: Granite Village Apts., Rollinsford) Assessor's Map 38, Lot 12, located on Old English Village Rd. (63 units) *(P05-07)

Attorney FX Bruton represents Churchill Realty Trust. He stated that this is a project that involves the construction of 63 residential units. It will consist of two buildings constructed entirely in the Town of Rollinsford. They filed the application with the Town of Rollinsford in December of 2004. In February of 2005 an application was filed with the City of Dover, and then attended TRC with the City of Dover. They were advised by the Building Official, Tom Clark, that the project was considered an expansion of what already exists in Dover. Prior to Rollinsford, the need to make the Dover project compliant with the density calculations. It was objected and brought before the Zoning Board of Adjustments. The ZBA agreed with Tom Clark. It was then brought before the Strafford County Superior Court which agreed with the ZBA and Tom Clark. They then brought the case before the NH Supreme Court. The Supreme Court agreed with the applicants and reversed the decision of the Superior Court which reversed the decision of Tom Clark. They had prepared a traffic analysis which was updated after the Supreme Court decision. They've been working with Bruce Woodruff, of the Planning Department, on the Dover side. They've been peer reviewed, on the Rollinsford side. They are asking for acceptance and approval of the plan. On the Dover side they would be receiving water and utilities from the City of Dover. All building permits and Certificates of Occupancy will be on the Rollinsford side.

John Chagnon of Ambit Engineering represents Churchill Forge Properties. He stated that the plans the Planning Board has before them shows the property. Refers to map. The proposal is to build two additional buildings. There would be a playground, a pool and a cabana built as well as a maintenance building. They will be working with infiltration systems, for rainwater, to re-infiltrate into the ground so that there is no net impact of peak runoff. There will be infiltration occurring on the upper North side of the lot. The infiltration areas will mimic the existing flows putting the water back into the soil. The sight slopes from the North to the South. On the North side, adjacent to the development, there is banking. The soil has excellent gravel. They



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Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, August 12, 2008
Meeting Time: 7:00 pm

will be putting in a retaining wall to make up for the change in slope as well as vegetation to provide a buffer for the neighbors.

Doug Steele read from FX Bruton letter (in file), “the City of Dover has already agreed to provide in the form of water and sewer utilities”. He wanted to know who the approval came from.

Chagnon stated that when they started the process of developing the site, they met with then City Engineer, Paul Vlasich and the Engineering department. They were issued letters of availability that were subject to Engineering design and approval. They attended a TRC meeting where the Engineering dept. made comments which were then incorporated into the design.

Steele stated that the Engineering department has stated that they do have the capacity for the water and sewer but where the buildings are located in Rollinsford, this would have to go before the Dover Utilities Commission for approval. It’s a DUC requirement.

Jeffrey Dirk, Vice President for Vanasse and Associates, the traffic engineers for the project. He stated that they had prepared two traffic studies for project. The first one was completed in 2005 and an updated study was done in February 2008. They focused on safety for this project to see what improvements that they could make. He continued to talk about the traffic study.

Merullo asked if they were proposing to make the island longer. Traffic gets very backed up and is very dangerous.

Dirk stated that they are not proposing to make any changes to the island area on Central Avenue. The only change they are proposing is introducing a raised island on Old English Village Road approaching Central Avenue that would allow cars to make right turns only. The traffic entering would make the same movements as they do today.

Trefethen stated that he appreciates the raised island in the middle of Old English Village Road. He suggests that since they will be putting in a no left turn sign on the right hand side of the road, they should put one in the island as well. People will be looking to the left not the right.

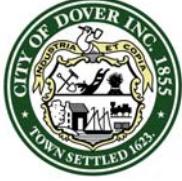
Dirk stated that they can incorporate that.

Motion: Andolina made the motion to accept the application, Schuman seconded. Vote: U/A.

Public Hearing Open – Public Hearing Closed.

Parker stated that this case is before the Dover Planning Board and the Town of Rollinsford Planning Board. He suggests tabling it until the August 26 meeting. The DUC is going to need to be approached for the franchise agreement but Dover does have jurisdiction on the access and utilities. He handed out a memo from Bruce Woodruff regarding the traffic report and peer review that would be discussed at the next meeting.

Motion: Plummer made the motion to table the application, Steele seconded. Vote: U/A.



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, August 12, 2008
Meeting Time: 7:00 pm

B. Consideration and acceptance of a minor lot line adjustment of land for Scott & Christine Wellington, Craig & Linda Bonneau, Assessor's Map 15, Lots 63 & 65, located on Rutland Street. *(P08-27)

Scott Wellington stated that he wants to adjust the property line with his neighbor.

Trefethen stated that the application is for a lot line adjustment but the applicant would be adjusting the lot line as well as combining two lots into one.

Parker stated that it's intended to be an even swap of land of 948 sq ft. It's more to gain frontage so that Wellington can have a garage added onto his property.

McManus asked if it should be a merger request?

Parker stated that since they are coming before the board and it's depicted on his plans which will be recorded, there is no need for a lot merger form.

Colbath asked what the side setbacks are?

Parker stated that one of the conditions of approval is to add a foot to the property so that the property will meet the side setbacks.

Motion: Torr made the motion to accept the application, Trefethen seconded. Vote: U/A.

Public Hearing Open – Public Hearing Closed.

Parker read the conditions of approval:

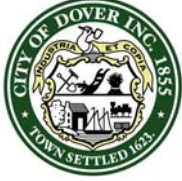
The Planning Department recommends approval of the lot line adjustment plat with the following conditions:

1. Add the owners' signatures to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. Revise the plat to add the Planning File Number (P08-27) to the title block on all sheets.
4. Revise the plat to increase the frontage on lot 63 to 100' and ensure that the proposed garage meets the 15' side setback.

Motion: Torr made the motion to approve with the conditions, Colbath seconded. Vote: U/A.

C. Consideration and acceptance of a minor lot line adjustment of land for Hampshire Controls Corp (Owners: Anthony Consentino Revocable Trust & Boston & Maine RailRoad c/o Guilford Trans), Assessor's Map 31, Lots 4 & 11. *(P08-28)

This item will not be coming before the board tonight.



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, August 12, 2008
Meeting Time: 7:00 pm

D. Consideration and acceptance of a Conditional Use Permit for Millstone Property LLC, Assessor's Map I, Lot 18-1, located at Durham Road/Route 108.*(P08-29)

Christopher Berry, Berry Surveying and Engineering, represents Millstone Properties. The property was purchased in 2005 by Millstone Properties and sold by Mr. Hummel. The applicants have worked with the Planning Staff to come up with a plan to propose condo units on the upland area adjacent to wetlands located at the front of the property. Berry and the applicant met with the Conservation Commission regarding a dredge and fill permit to fill 1900 sq ft. of jurisdictional wetlands to gain access to upland areas to the rear of the property where they're looking to place the proposed condo units. Due to the way the wetlands are situated, they need permission to cross the Conditional Use area. At the Conservation Commission meeting, they were originally proposing a 24 ft access way to the rear of the property. The Conservation Commission mentioned that a smaller access way would be more appropriate given the small number of units.

Motion: Torr made the motion to accept the application, Schuman seconded. Vote: U/A.

Public Hearing Open

Gail Caron, 130 Durham Road, stated that she has concerns regarding water disbursement once the road is put in. The project was denied in 2002 with the previous owner. She asked what has changed on the plans to make this possible? If there is water damage done to her property, who will fix it the person in charge of the project or the town?

Berry stated that Caron lives south of the project, which is downhill from the project site. The areas they are proposing to cross have been previously disturbed and there is no hydraulic connection. They've elected to swale the water down to the second crossing where there is a hydraulic connection.

McManus asked if Berry was involved in the original project?

Berry stated Berry Engineering was not. He started working with Millstone Properties in 2005. Mr. Hummel did meet with Tom Fargo from the Conservation Commission.

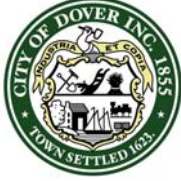
Caron handed Parker the minutes from the original Conservation Commission meeting.

McManus stated that the requirement is that no additional runoff be generated in a direction of an adjoining property; it's an engineering question. The Board has to rely on the design received. It's been addressed by the Conservation Commission and they were satisfied. It's now up to the Planning Board.

Parker stated that Hummel wanted to build a garage and not a house. The Board told him that he couldn't build an accessory structure as a primary structure. Hummel argued that he would build the primary structure eventually.

Public Hearing Closed

Parker read conditions of approval:



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, August 12, 2008
Meeting Time: 7:00 pm

The Planning Department recommends approval of the conditional use permit with the following conditions:

1. Add the owner's signature to the plan.
2. Revise the plan to add the Planning File Number (P08-29) to the title block on all sheets.
3. Revise the plan to add the abutter information on sheet 4 of 6.
4. Revise the plan to note tax map I not I-2.

Discussion ensued regarding Hummel's plans.

Motion: Colbath made the motion to approve with the conditions, Steele seconded. Trefethen, Plummer, Torr and McManus Opposed.

Vote: 5-4.

Trefethen stated that it is a lot of impact area being filled.

E. Consideration and acceptance of a minor lot line adjustment of land for Varney Brook Lands, LLC & Thornwood Commons, LLC, Assessor's Map K, Lot 19 & Map M, Lot 4.*(P08-30)

Bob Stowell, Trittech Engineering, represents the applicants. He stated that they have received dredge fill approval from the State of NH. They have completed the conditions for the final sign off for the Thornwood project. One of the conditions for the dredge fill was to provide a conservation easement. They're providing 14 acres of land that surrounds the existing farm land and follows a tributary to Varney Brook to the south. It was requested that the area be controlled by one owner so they are requesting a lot line adjustment between the two properties so that it can be contained all on one property. They would be moving 3 acres from the residential side of the project so that the entire easement will be on the commercial portion of the project.

Trefethen stated that since they are moving 3 acres from the residential portion what does that do to the density requirements that have already been approved?

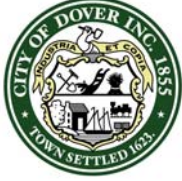
Stowell stated the density was based on the overall project as far as what was allowed for the residential density and under the Master Plan and the mix of density between the residential and commercial. The final lot lines do not come into play; it's the final uses that are in effect.

Motion: Torr made the motion to accept the application, Swartendruher seconded. Vote: U/A.

Public Hearing Open – Public Hearing Closed.

Parker read the conditions of approval:

The Planning Department recommends approval of the lot line adjustment plat with the following conditions:



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, August 12, 2008
Meeting Time: 7:00 pm

1. Add the owners' signatures to the plat.
2. Add the surveyor's stamp and signature to the plat.
3. Provide the Planning Department with a digital version of the plat.
4. Revise the plat to add the Planning File Number (P08-30) to the title block on all sheets.
5. Revise sheet S-1 of the plan to label the lot line to be eliminated.

Motion: Andolina made the motion to approve the application with the conditions, Trefethen seconded.
Vote: U/A.

F. Consideration and acceptance of a minor lot line adjustment of land for City of Dover (Owner: Gloria & Joseph Allis Revocable Trust) Assessor's Map 23, Lot 13.*(P08-31)

Kevin McEneaney represents the owner and applicants. He stated that it is a lot line adjustment at the end of Washington Street as it abuts the Cocheco River. The City of Dover has negotiated to purchase a portion of Allis' land. They want to add that parcel, 1600sq ft, to the right of way of Washington Street in order to accommodate the new bridge that will access the waterfront. In addition to the right of way acquisition, there is a temporary construction easement that will be in place during the construction of the bridge.

McManus asked if there was going to be a specific easement to the City of Dover? Will it include the ability to use it as a public street?

McEneaney stated that a document has already been drafted. It will be strictly for utilities not for public use.

Motion: Trefethen made the motion to accept the application, Andolina seconded. Vote: U/A.

Public Hearing Open – Public Hearing Closed

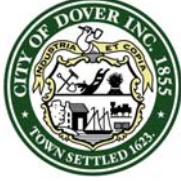
Parker read the conditions of approval:

The Planning Department recommends approval of the lot line adjustment plat with the following conditions:

1. Add the owners' signatures to the plat and the application form.
2. Add the surveyor's stamp and signature to the plat.
3. Provide the Planning Department with a digital version of the plat.
4. Revise the plat to add the Planning File Number (P08-31) to the title block on all sheets.
5. As Water Street has been discontinued by the City, the Right-of-Way for Water Street should be shown as a utility easement.

Motion: Trefethen made the motion to approve with the conditions, Andolina seconded. Vote: U/A.

G. Preliminary Design Review on a site plan for four (4) new commercial units and five (5) new residential units for Robert Mairs, Assessor's Map 24, Lot 104.*(P08-32)



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
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Meeting Date: Tuesday, August 12, 2008
Meeting Time: 7:00 pm

Kevin McEneaney represents the applicant. He stated that they are looking to present this to the board before they start finalizing the plans. Gives a handout to the Board. They are presenting a plan that Robert Mairs is looking to do on Portland Avenue. There are currently two existing buildings on the lot. There is a 3 unit building that has been renovated and a duplex that's in the process of being renovated. It's located in a B-2 zone. They are required to have commercial on the bottom and residential above. They would like to put in 5 residential units and 4 commercial units.

Discussion ensued regarding the design.

A site walk was scheduled for August 26 at 5:30pm.

4. Old Business

- A. **Consideration and possible vote on a site plan of land and Conditional Use Permit for Summit Land Development, (Owner: Double Diamond South Holdings, LLC) Assessor's Map 15, Lot 21, zoned R-12 and I-1, located at 279 Locust St. (P08-13)**

Motion: Torr made the motion to remove the item from the table, Schuman seconded. Vote: U/A.

Chad Kageilary, property owner, stated the process started about 6 months ago. They've taken care of every issue that has come up. They are giving the City an easement for the trail system and an easement for the drainage system. They are dramatically improving the neighborhood and quality of the building. They are increasing the tax base and offering employment opportunity. At this point, they would like to get the project approved.

McManus went over the memo from Doug Steele.(In file).

Stowell stated there isn't any problem with those issues. Points to map, goes over drainage.

McManus asked if the City followed up with the abutters on Rutland Street?

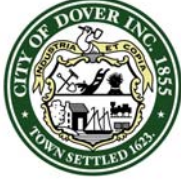
Steele stated that he met with Engineering and Planning. They will be following up with the abutters.

McManus doesn't want the abutters to have to deal with any problems as a result of this project.

Public Hearing Open

Marcia Lyford stated she's concerned with the contaminants that are on the railroad bed. If Kageleiry is allowed to fill in some of the wetlands, she doesn't want to be impacted by any more chemicals. She's concerned with the chemicals that have been shown in her well.

Kageleiry stated a plan has been approved by DES. It's showing the progress the way that it's supposed to be. There are heavy contaminants that are in the soil in the railroad bed and on the back of the industrial property. The remediation plan in place is showing progress towards cleaning it. It's actually



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

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Meeting Date: Tuesday, August 12, 2008
Meeting Time: 7:00 pm

the responsibility of the prior property owner. They do not believe that filling in the wetlands will affect her property.

McManus stated that they are attempting to clean it up, which has to be done to the satisfaction of the State before they can get the final approval. That will remove the contamination from his property so that it's not likely to continue going onto Lyford's property.

Parker stated the jurisdiction is with the State and DES.

Public Hearing Closed

Parker read the conditions of approval:

The Planning Department recommends that the Planning Board approve the site plan and Conditional Use Permit with the following conditions:

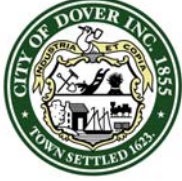
Conditions to Be Met Prior to Signing of Plans:

1. Add the owners' signature to the plan.
2. Add the surveyors and engineer's stamps and signatures to the appropriate sheets of the plan.
3. The approval includes the granting of a Conditional Use Permit for the wetlands disturbance.
4. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Wetlands Permit and add the permit number to the plan.
5. The applicant shall revise the plan by removing the proposed utility easement at and west of DMH #501 and adding a note that states that the applicant shall retain ownership of the culvert under the former rail road tracks.
6. Add Planning File Number (P08-13) to the title block on all sheets.
7. The applicant shall prepare a drainage easement deed to the City for the existing drain pipe that runs from Locust Street up to, but not including, drain manhole #501. The easement shall conform to the requirements outlined in the City Engineer memo dated August 11, 2008. The deeds shall be reviewed by the Planning Department, with consultation by the City Attorney on the proper form of the documents, and recorded at the Strafford County Registry of Deeds.
8. The applicant shall grant a 15-foot wide Trail Easement Deed to the City for the Community Trail that includes public access. The deed shall be reviewed by the Planning Department, with consultation by the City Attorney on the proper form of the document, and recorded at the Strafford County Registry of Deeds.
9. The applicant shall prepare an Operations & Maintenance Plan for the storm water management system, which shall include annual inspection and reporting to the City's Environmental Division. This plan shall be reviewed and approved by the Environmental Projects Manager.

Discussion ensued regarding contamination monitoring.

Motion: Schuman made the motion to approve with the conditions, Swartzendruber seconded. Vote: U/A.

B. Discussion of Site Review/Subdivision Proposals



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, August 12, 2008
Meeting Time: 7:00 pm

Parker stated that there are two final proposals for subdivision and site review. For the Subdivision Proposal, there was a request by the Community Services Dept. to add HDPE as a pipe material for use in culverts, storm drains, driveway culverts and other drainage. The Site Review change is from the Community Services Dept. to add in the Construction of Improvements, Certificate of Occupancy section, under the site review regulations, two clauses about utilities. One that states all utilities shall be installed on or before completion of the roadway base course and secondly that inspection will be during normal working hours and will require a notification period. It's in the Subdivision regulations and would like it mirrored in both Subdivision and Site Review. It will be something that the inspectors can refer to when they receive a request. Parker is requesting for the changes to be posted tonight. There will be a third public hearing at the August 26 meeting and a vote after.

Motion: Trefethen made the motion to post the changes and refer them to the public hearing, Andolina seconded. Vote: U/A.

5. Staff Comments

Parker was asked by Chairman Ron Cole to pass out a letter regarding McManus's last night. The Chair has requested that if you are interested in being the next Vice Chair; notify Parker by August 25 at 12:00pm. On August 26, there will be paper ballots prepared and there will be a vote at the beginning of the meeting. Also, there was talk of a site walk of the Tolend Road properties project. The applicant is preparing to come back to the next meeting to discuss the project with the Board.

On August 26, there will be a site walk of the Tolend Road property at 6:15pm. The Planning Board meeting will be at 7:30pm.

McManus stated that he wants to thank the Board for allowing him to serve for three terms. It's been a good experience.

6. Committee Reports

7. Adjournment

Motion: Torr made the motion to adjourn at 8:53pm, Schuman seconded. Vote U/A