



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 22, 2006**
Meeting Time: **7:00pm**

ROLL CALL –

MEMBERS PRESENT: PERRY PLUMMER, MARCIA COLBATH, DOUG STEELE, KIRT SCHUMAN, TONY MCMANUS, RTON COLE, DEAN TREFETHEN, FRANK TORR, RON STOCK

MEMBERS ABSENT: DONALD ANDOLINA, BRYAN CAHOON, JOHN SWARTZENDRUBER

STAFF PRESENT: STEVE STANCEL, PLANNING DIRECTOR AND JACQUELINE FREEMAN, RECORDING SECRETARY

1. CITIZEN'S FORUM

There were no speakers.

Chairman Cole announced that ITEM #13: Old Business a. and b. for Mr. Dubois would not be heard and ITEM #14: School Impact Fee for Mr. Pierce would not be heard.

Chairman Cole brought the meeting to order at 7:03 PM.

2. MINUTES

Frank Torr made the motion to approve.
Doug Steele seconded.

Marcia Colbath stated that on page 3, her statement should read that they should be encouraging ride sharing.

VOTE U/A

3. CONSIDERATION AND ACCEPTANCE OF AN AMENDMENT TO THE CONDITIONS OF A MINOR SUBDIVISION APPROVAL, FOR FENTON GROEN, ASSESSOR'S MAP 28, LOT 26A, ZONED RM-20, LOCATED ON OAK STREET.*(P06-38)

Steve Stancel stated that he tried to reach Mr. Groen by phone but wasn't successful. He said that the lot was subdivided in 1991 and the original conditions of approval indicated that the building had to be constructed on Oak Street. There is a zoning boundary through the lot and at the time of approval, placing the house in the R-12 zone on Oak Street was the only way that this building lot could have been approved. He explained that they could build the house on Oak Street or go before the Zoning Board of Adjustment for an Appeal from an Administrative Decision or a Variance.

4. CONSIDERATION AND ACCEPTANCE OF A SITE PLAN OF LAND FOR THE CITY OF DOVER SCHOOL DISTRICT, (HORNE STREET SCHOOL) ASSESSOR'S MAP 36, LOT 3, ZONED R-12, LOCATED AT 78 HORNE STREET.*(P06-42)

Michael Mates, from Kimball Chase, explained that the project will provide more parking, which will get the teachers' cars off the street and into the parking lot. They will also replace



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the bituminous curbs with granite, construct a sidewalk and repave the bus loop. The drainage will be improved. The site will be made safer for the children.

Dean Trefethen asked about the storm drain that is in the middle of the sidewalk.

Michael Mates said that it would be rectified.

Frank Torr made the motion to accept the application.

Doug Steele seconded.

VOTE U/A

Chairman Cole explained that the Planning Board is acting in an advisory capacity and the School Department does not have to get Planning Board approval.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Stancel stated that RSA 674:54 provides for the Planning Board review of governmental land uses and nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations. The Planning Department recommends that the Planning Board made the following recommendations:

1. The new parking spaces should be reserved for staff parking only during the day.
2. As-built plans should be submitted to the Planning Department in a digital format.
3. Verify with the Building Inspector that the number of handicapped parking spaces on the site still comply with the addition of 22 parking spaces.
4. Add tip-downs on the sidewalk at the driveway entrance.

Marcia Colbath made the motion to approve with the recommendations listed above.

Dean Trefethen seconded.

VOTE U/A

5. CONSIDERATION AND ACCEPTANCE OF A SITE PLAN OF LAND FOR TEMPLE ASSOCIATES, LP, C/O SAMIR KHANNA, ASSESSOR'S MAP 2, LOT 14, ZONED B-2, LOCATED AT 90 WASHINGTON STREET.* (P06-03)(15 UNITS)

Christina Sandock represented the applicant and stated that the 4th and 5th floors are vacant and they wish to put in 15 residential units. She indicated that they will be apartments and not condos.

Tony McManus was concerned with the parking and felt that the First Street parking lot is a long way from this building.



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Steve Stancel stated that the downtown parking regulations indicate that you can have your parking within 1000 feet from the property. He said that they asked to lease parking behind the Library but were denied because the McConnell Center will soon be occupied and they will be using the available spaces. There are 30 residential spaces available to lease in the First Street lot. They can be leased through the Police Department but the City does not guarantee the spaces. The tenants most likely would find parking closer to the Masonic Building at night time. The applicant will have to provide 30 parking spaces. The regulations allow for a long term parking space lease to count for the required spaces. Zoning requires a 5 year lease with options to renew.

Doug Steele was concerned with the added parked vehicles and snow removal. He could not support this application. He said that owners of other projects in the downtown have furnished their own parking areas for their tenants.

Marcia Colbath was concerned with the employees that do the 2-hour parking rotations taking up valuable parking spaces. She thought that the residential use would make a bad situation worse.

Steve Stancel stated that there would be some overlap but generally the tenants park at night and the business use the spaces during the day. He explained if all the units were for retail or commercial, they would not have to provide parking.

Perry Plummer asked if they could shift the parking to the downtown parking garage when it is built and added that there are definitely open spaces in the First St. lot at night.

Steve Stancel answered that the parking leases could be shifted to the parking garage if it is constructed and if it is closer than the First St. lot.

Frank Torr stated that this is infill for the downtown and this is what they are looking for. He said that it will increase the value of the building and broaden the tax base.

Tony McManus felt that it was a good use for the building. He said the building had some interesting architectural features and asked if they would be saving the woodwork.

Christine Sandock said they would use the existing woodwork as much as possible.

Kirt Schuman stated that the two hour rotation for parking needs to be addressed City wide. He said that a merchant should not want to park where his customer would park.

Steve Stancel explained that they will need a copy of the parking lease agreement with renewal options. They must keep up the parking space lease or they would be in violation of their Certificate of Occupancy (CO) and there could be fines.

Tony McManus made the motion to accept the application.



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Perry Plummer seconded.

VOTE 6- 2

Opposed – Marcia Colbath, Doug Steele

The public hearing was opened.

There were no comments.

The public hearing was closed.

Frank Torr made the motion to approve with the following conditions of approval:

1. The applicant shall supply the Planning Department with a lease agreement for 30 parking spaces within 1,000 feet that has a minimum duration of five years and renewal provisions.
2. In conformity with the Transportation Master Plan, which addresses the need for a downtown parking garage, the applicant shall contribute \$1,500 to the City to help pay for the parking garage study. Said payment shall be made prior to the issuance of the first certificate of occupancy.
3. If the parking garage is built closer to this site than the First Street parking lot, the applicant may be required to lease parking spaces in the parking garage.
4. The applicant shall work with the City to consolidate and screen the existing dumpsters located in the City's Belknap lot, prior to the issuance of the first certificate of occupancy. Any costs associated with the solution shall be paid by the applicant.
5. The new dwelling units shall be subject to the school impact fee in place at the time of building permit application.

Perry Plummer seconded.

VOTE 6 – 2

Opposed – Marcia Colbath, Doug Steele

6. CONSIDERATION AND ACCEPTANCE OF A MINOR LOT LINE ADJUSTMENT OF LAND FOR WOODMAN BLOCK HOLDINGS, LLC, ASSESSOR'S MAP 9, LOTS 113 & 114, ZONED B-2, LOCATED AT 266-286 CENTRAL AVENUE/3 HALE STREET. *(P06-43)

Eileen Nevens, introduced Corey Colwell, AMES MSC Architects & Engineers, who represented the applicant and explained that both properties are owned by the applicant and they propose to relocate the line to separate the garage area from the residential portion, so that the residential portion can be converted to condominium ownership.

Frank Torr made the motion to accept the application.

Tony McManus seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Perry Plummer made the motion to approve with the following conditions:



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1. Add the owner's signature to the plan
2. The applicant shall provide the Planning Department with a digital version of the survey.

Doug Steele seconded.

VOTE U/A

7. CONSIDERATION AND ACCEPTANCE OF A MINOR LOT LINE ADJUSTMENT OF LAND FOR JOHN & LESLIE DONAIS AND ROBERT & SALLY NAUMANN, ASSESSOR'S MAP I, LOTS 7 & 8A, ZONED RM-20, LOCATED ON DURHAM ROAD/BACK RIVER ROAD.*(P06-45)

Bob Stowell, Trittech Engineering, represented the applicants and went over the square footage of the two lots before and after the lot line adjustment.

Tony McManus made the motion to accept the application.

Kirt Schuman seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Tony McManus made the motion to approve the plan with the following staff recommendations as follows:

1. Add all of the owners' signatures to the plat.
2. Add the surveyor's stamp and signature to the plat.
3. The applicant shall provide the Planning Department with a digital version of the survey.
4. The applicant shall revise the plat to add two GIS points tied into the City system.
5. Revise the zoning in Note 6 from RM-20 to R-20.

Ron Stock seconded.

VOTE U/A

8. CONSIDERATION AND ACCEPTANCE OF A REVISED SUBDIVISION PLAN FOR CHANGING PLACES, LLC, ASSESSOR'S MAP K, LOT 26, ZONED R-12/ETP, LOCATED ON DOVER POINT ROAD.*(P06-44) (2 LOTS)

Bob Stowell, Trittech engineering explained that the 5 ½ acre tract of land is contiguous with the Elliot Rose property. They are proposing to subdivide a lot to be utilized as a single family lot. The balance of the nearly 5 acre lot will be incorporated into the master plan for the Elliot Rose property.



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Frank Torr made the motion to accept the application.
Doug Steele seconded.

Steve Stancel explained that they would normally need 100 feet of road frontage for each lot to subdivide but they went before the Zoning Board of Adjustment and received a Variance.

Bob Stowell explained that they would access the large back lot through the Elliot Rose property.

VOTE U/A

The public hearing was opened.

Marilyn Follansbee, 25 Dover Point Road, said that she had hoped that the lot would be kept as open space as she hates to see the trees cut down.

John Morin, an abutter, stated that looking from his back yard the lot doesn't look big enough for a building lot and now there will be two more houses. He would like to see the land stay residential.

The public hearing was closed.

Bob Stowell explained that there would only be one house lot and they are fine tuning the master plan for the larger lot.

Steve Stancel stated that it is likely there won't be anything in the front portion of the larger lot.

There was discussion with regard to the approval of the Zoning Board of Adjustment to create the subdivision.

Dean Trefethen asked about the driveway encroachment and if it would have to be resolved.

Bob Stowell stated that there are often encroachments that never get resolved.

Marcia Colbath asked if a condition could be made that the front of the larger lot not be built on.

Bob Stowell stated that he is not ready to commit to that.

Steve Stancel stated that they may be able to construct something on that lot.

Frank Torr stated that they are getting involved in an issue of legal property rights. He suggested waiting to see what happens as part of the master plan and addressing it at that time.



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Dean Trefethen said that he understands that the ZBA created two lots but he doesn't see how that would prevent them doing a lot line adjustment later on. It would be nice if that piece, as part of the master plan, remained as open space.

Frank Torr felt that they are getting into legal territory. There will be other windows of opportunity to address this issue.

Tony McManus suggested that they build the house on the southerly lot and leave the northerly lot empty giving Mr. Morin the opportunity to buy that lot.

Marcia Colbath said she would feel more comfortable if she saw the ZBA minutes before she supported this application.

Kirt Schuman stated that they now have two lots with the same frontage and he would also like some clarification on their intention.

Bob Stowell stated that you can speculate all you want but he doesn't know their intent. They are not proposing to construct anything at the moment.

Chip Williams explained that this was his parents' land. He went to the ZBA for approval of the frontages for the lots. The abutters on Dover Point Road wanted to keep the property residential. The ETP zone was created by this Board with the R-12 zone in the front which he felt was contradictory. He said if Mr. Morin wanted to purchase the land as he stated, he should have come forward before this time.

Marcia Colbath felt she was hearing that they could create three lots from the two lots.

John Morin stated that he only wants to protect his land and is not against everything that Mr. Williams wants to do. He asked if the southern lot is left empty and nothing else is intended to be built there, why not keep the northern lot empty and build the house on the other lot.

Dean Trefethen stated that when we start dictating which lot is being built on we are getting into property rights. He said that Frank Torr is right and we need to be vigilant and the Board will get another shot at this.

The public hearing was closed.

Steve Stancel suggested tabling and getting a legal opinion. He said that he would also be researching the ZBA minutes. He said Dean Trefethen may be right that they could do a lot line adjustment to get another lot in the front and then use the land in the back.

Dean Trefethen made the motion to table the application.
Kirt Schuman seconded.



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VOTE 8 – 2

Opposed – Frank Torr and Ron Cole

9. CONSIDERATION AND ACCEPTANCE OF A MINOR LOT LINE ADJUSTMENT OF LAND FOR CHANGING PLACES, ASSESSOR'S MAP G, LOTS 26-7 & 26-8, ZONED R-40, LOCATED AT 23 LUCY LANE.*(P06-46)

Bob Stowell stated that this lot was recently subdivided and the foundation is one foot too close to the setback line. They are swapping equal amounts of land.

Dean Trefethen asked why it couldn't be made as a straight line.

Bob Stowell stated that unfortunately one lot has been sold. If the two lots had been owned by one person they would have done it that way.

Tony McManus made the motion to accept the application.

Marcia Colbathy seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Frank Torr made the motion to approve with the following conditions:

1. Add all of the owners' signatures to the plat.
2. Add the surveyor's stamp and signature to the plat.
3. The applicant shall provide the Planning Department with a digital version of the survey.
4. Revise the plat by correcting the building setback requirements in note #3.

Ron Stock seconded.

VOTE U/A

10: CONSIDERATION AND ACCEPTANCE OF A MAJOR SUBDIVISION AND SITE PLAN OF LAND FOR STF DEVELOPMENT CORP., ASSESSOR'S MAP 25, LOT 56, ZONED RM-10, LOCATED ON ATLANTIC AVE.*(P05-37) (5 LOTS & 20 UNITS)

Jim Schulte represented the applicant and stated that this was up before the Board the last time under the TDR Ordinance for 32 townhouse condos. The ZBA on April 20, 2006 granted a Variance to allow the road to be a private street. Some of the lots will have frontage on that private street. They limited the project to 5 lots and 5 buildings. All the buildings will be concentrated in the southern corner as far as possible from the abutters. The ZBA granted a Special Exception for 4 units on each lot. They have 46 parking spaces where 40 are required. There will be screening of white pines and arborvitae. The lighting



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will be on the buildings and there will be one parking lot light. They are asking for a waiver of the pavement requirement being 5 feet from the property line.

Dean Trefethen asked about a sidewalk.

Jim Schulte stated that they would be providing safe pedestrian access to Portland Avenue. A preference is a sidewalk on Atlantic Avenue. They are not proposing building it now because Atlantic Avenue is scheduled to be dug up for water and sewer. There will be some sort of pedestrian access. The new buildings will look the same as the Magnolia Drive buildings.

Ron Stock asked if it was possible to divide the lot.

Jim Schulte stated that the ZBA made it a condition that there would be no further subdivision. He added that the units would be condos and not apartments.

Chairman Cole asked Steve Stancel to supply a copy of the ZBA agreement at the site walk.

Tony Manus made the motion to accept the application.

Marcia Colbath seconded.

VOTE U/A

The public hearing was opened.

Jana Lozo, 7 Atlantic Avenue, is in favor of the proposal, but would prefer the sidewalk behind the land.

Ray Wilbur, 2 Danbury Lane, asked if the power lines would be relocated. He was concerned with the reduction of the trees down to the brook. He felt that their quality of life depends on having the trees in place down to the stream. As his wife is asthmatic, he was concerned with the dust that would be created during the construction process.

A gentleman (name inaudible) asked if there have been any studies done with regard to living next to power lines.

Chairman Cole answered that hundreds have been done but there were never any that concluded that there were long term effects.

Gino Felecheti, 5 Atlantic Ave., stated that this is a better plan than the original. He said that he works at home and sees 20 to 30 people walking past daily. He felt that a sidewalk would be a better option given this development and the Magnolia Dr. development. This neighborhood has seen 46 units all together and there has not been any improvement for utilities or sidewalks, etc.



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Alan Storms, 11 Atlantic Ave, stated that he would like to see a sidewalk. He is surrounded by condos. The screening of pines will do nothing. A fence across the back of his land would be good. He said that the building designers would never live there.

Jim Schulte assured Mr. Wilbur that they would not be disturbing anything on his side of the power lines.

The public hearing was recessed.

Steve Stancel stated that one of the big issues is the sidewalk issue. He said that the Reconstruction of Atlantic Avenue and the addition of sidewalks are in YR 2012 of the CIP. The water main will be replaced next year. They need to coordinate all of the construction which is not as easy as it appears.

Tony McManus made the motion to table.
Ron Stock seconded.

VOTE U/A

Chairman Cole scheduled a site walk for Monday, August 28, 2006 at 5:30 pm.

- 11. CONSIDERATION AND ACCEPTANCE OF A MINOR SUBDIVISION OF LAND FOR VC DOVER INVESTMENTS, LLC, (OWNER JOHN TORR, TRUSTEE) ASSESSOR'S MAP H, LOT 4, ZONED B-4/I-4, LOCATED ON NH ROUTE 108/MAST ROAD.*(P06-24)(2 LOTS)**
- 12. CONSIDERATION AND ACCEPTANCE OF A SITE PLAN OF LAND AND CONDITIONAL USE PERMIT FOR VC DOVER INVESTMENTS, LLC (OWNER JOHN TORR TRUSTEE) ASSESSOR'S MAP H, LOT 4, ZONED B-4/I-4, LOCATED ON NH ROUTE 108/MAST ROAD*(81 UNITS)(P06-25)**

Frank Torr made the motion to remove these items from the table.
Marcia Colbath seconded.

VOTE U/A

Debra Brewster represented VC Investments and explained that NHDES was not crazy about their easements on the previous plan. The EPA also got involved. They have gone to a "no wetland impact plan." The drive for the project was moved across from Jensens' Park. They have also rearranged the buildings. She went over the changes that were made to the plan and the stormwater management plan. She said to accommodate the coffee shop they are asking for a small impact of the wetland buffer. There are 17 ½ acres of commercial which is 40% and the residential is 15 acres which is a 20% decrease of what they had before. They are now showing 66 units which enabled them to provide 120 feet of buffer from Mast Road. She went over the Summary of Estimated Tax Impact for the Residential and Commercial Mixed Use Development dated August 15, 2006 that was included in the packets.



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Tony McManus asked if the houses would be the same design as previously submitted.

Debra Brewster said that they would be similar types of units.

Frank Torr asked is there was any consideration to modify the wetlands.

Debra Brewster said that they have withdrawn their NH Wetlands Application.

Tony McManus said that the original plan had walkways and pathways for golf carts, but it looks like they can only get to the commercial portion by car.

Debra Brewster said as the commercial development moves forward, it is their intent to provide walking trails.

Dean Trefethen said that there is an existing condition of noise and dust and reiterated that he does not want to hear any complaints from any residents of this development.

Steve Stancel explained that they would be required to have basements under the manufactured homes, and recommended that Item #11, remain on the table.

The public hearing was opened.
There were no comments.
The public hearing was recessed

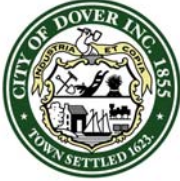
Dean Trefethen made the motion to table ITEM 11.
Tony McManus seconded.

VOTE U/A

Steve Stancel stated with regard to ITEM #12, that the concept plan represents a smaller project than originally proposed. Significant review has taken place on the original proposal and they feel that the new proposal actually decreases many of the potential off-site impacts. The wetlands will be impacted less and the traffic will decrease. They feel that the project meets with the requirements of the Residential-Commercial Mixed Use Overlay District and he recommends approval of the Conditional Use Permit subject to the following:

1. Completion of formal agreement to be recorded at the Strafford County Registry of Deeds.
2. Updated traffic analysis including proposed off-site traffic improvements.
3. Approval of architectural elevations.
4. Pedestrian trail opportunities throughout the project.

Frank Torr made the motion to remove this item from the table.



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Doug Steele seconded.
VOTE U/A

Dean Trefethen made the motion to grant the Conditional Use Permit with the following outlined conditions listed above.

Tony McManus seconded.
VOTE U/A

13. OLD BUSINESS

c) Consideration and possible vote on a site plan for David Bamford, located at 856 Central Ave. (P06-37)

Frank Torr made the motion to remove this item from the table.

Perry Plummer seconded
VOTE U/A

Paul Connolly represented the applicant and gave a recap of the project. He said they were seeking a waiver to allow a 21 foot aisle width instead of the 22 feet, the site plan approval and a Conditional Use Permit to allow less than required parking spaces. He said that the plan includes an existing credit union, lending bank, and retail book store in the building and the evening use will be the 19 residential units. There are thirteen existing units and they are proposing six new units. He said that they have not yet supplied a landscape plan for the island as Mr. Bamford has yet to acquire the island from the City. He said that the Planning Department would like them to supply a lighting plan. They are only proposing ornamental lamps and the look of the lights are shown on Sheet 3. He said that you can model more commercial type of lighting but the ornamental lights are not all that quantifiable.

Paul Connolly explained how they are going to apply a stone veneer to the existing wall.

The public hearing was opened.
There were no comments.
The public hearing was closed.

Steve Stancel said that an e-mail was received from the City engineer stating that he has concerns about possible damage to the proposed stone and mortar wall along the City parking lot due to vehicle hits and winter snow removal operations. He said that he would prefer either a cast in place concrete wall or a waiver of any liability or responsibility for repairing the wall if damage occurs.

Mr. Bamford said that he understands the concern but he said that the concrete wall with the stone would have a dramatic effect.



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Doug Steele stated that he had not seen the e-mail prior to this and will override the e-mail from the City engineer.

Ron Stock asked about concrete tire stops to stop the cars.

Steve Stancel stated that it would work for cars but would make snow removal more difficult.

Tony McManus made the motion to approve with the following conditions:

1. Add the owners' signature to the plan.
2. Approval includes granting of the requested waiver.
3. Approval includes granting the conditional Use Permit for parking.
4. Revise the plan by adding a reference to the parking utilization study of the Third Street lot in the Rizzo Downtown Parking and Traffic circulation Study.
5. Revise the plan by amending note #12 to cite the ZBA case number
6. The applicant shall provide a lighting plan that complies with Chapter 149-14-G.
7. The applicant provides a landscaping plan that complies with Chapter 149-14-G
8. The applicant shall contribute \$561.00 to the City to help pay for the parking garage study and payment shall be made prior to issuance of a CO.

Frank Torr seconded.

Marcia Colbath stated that she was comfortable with the parking and supports this project.

Frank Torr stated that this is the infill we were looking for and it will bring people to the downtown.

Kirt Schuman thanked the applicant for going the extra mile.

VOTE U/A

Steve Stancel stated that another item under **Old Business is Dover Sand and Gravel**. He said that a memo from Dean Peschel was received stating that he and Bruce Woodruff visited the pit to review the condition of the pit and to discuss what had been accomplished to lower the water level in the pit. He said that they felt that some progress has been made and the Proulx have agreed to do a test pit.

Richard Proulx, Vice President, stated that he had met with Dean Peschel and had received a letter saying that there was a lot of water in the pit and a dry well would help. He explained how they dug down in the pit to a point and then hit beach sand silt. He said that over a 2 week period the water went down 1 ½ feet. They have a stormwater runoff plan and they would like to amend it. He wants to put in a berm between his and the Tyra pit.

Steve Stancel stated that Dean Peschel requested another report.

Dean Trethen made the motion to grant another 30 days.



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Frank Torr seconded.

VOTE U/A

Frank Torr stated that there would be a waterfront meeting tomorrow at 5:00 pm.

Ron Cole stated that both Tom Fargo's and Otis Perry's appointments to the Strafford Regional Planning Commission expired and Otis Perry's will also. He said that the Planning Board is the appointing body and asked is anyone was interested.

Ron Cole announced that there will be free training for a seminar on Designing Stronger Projects and Proposals for Water Resources Protection, which is put on by the NH Coastal Program.

14. NEW BUSINESS

15. COMMITTEE REPORTS

16. ADJOURN

Ron Stock made the motion to adjourn.

Dean Trefethen seconded.

VOTE U/A