



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, September 26, 2006**
Meeting Time: **7:00pm**

1. ATTENDANCE

Members Present: Tony McManus, Frank Torr, Kirt Schuman, Ron Stock, Doug Steele, Marcia Colbath, Dennis Ciotti, Donald Andolina, Perry Plummer

Members Absent: Bryan Cahoon, John Swartzendruber, Ron Cole, Dean Trefethen

Staff Present: Christopher Parker, City Planner; Bruce Woodruff, City Planner and Jacqueline Freeman, Recording Secretary

Vice Chair Tony McManus called the meeting to order at 7:00 pm. He announced that there was no video or audio available for Channel 22 due to technical difficulty.

2. Citizen's Forum

Linda Mirello, 21 Long Hill Road Extension, wanted to be sure that the flashing sign ordinance would cover all of Dover. She is concerned not only for aesthetics but the money it takes to go to court for these cases that will not adhere to the rules. She would rather see window boxes and more pleasing things. She stated that she is not anti-business but wants to see a "yes" vote on this ordinance.

3. APPROVAL OF PRIOR MINUTES

Frank Torr made the motion to approve the Minutes of September 12, 2006 and seconded by Marcia Colbath.
VOTE U/A

4. CONSIDERATION AND ACCEPTANCE OF A MINOR LOT LINE ADJUSTMENT OF LAND FOR KATHLEEN HALL, ASSESSOR'S MAP HY, LOT 7 & 7A, ZONED R-20, LOCATED ON DURHAM ROAD* (P06-48)

Paul Connolly, Civilworks, spoke on behalf of the applicant. He explained the location of the two parcels is on Durham Road and the lot line would be adding sq. footage to one property and taking from the other resulting in the two lots being in excess of the 20,000 sq. ft. required.

Donald Andolina made the motion to accept the application and seconded by Dennis Ciotti. **VOTE U/A**

The public hearing was opened.

There were no comments.

The public hearing was closed.

Frank Torr motioned to approve with the following conditions:

1. Add the owners' signatures to the plat.
2. Add the surveyor's signature to the plat.
3. The applicant shall provide the Planning Department with a digital version of the survey.

Doug Steele seconded.

Tony McManus stated in the past he has represented members of the family but has no conflict. Kirt Schuman stated that his wife was a distant relative to the owner but also has no conflict.

VOTE U/A



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5. OLD BUSINESS

A. DISCUSSION AND POSSIBLE VOTE ON 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.)

Attorney Jim Schulte represented the application and introduced Chris Berry of Berry Surveying.

Frank Torr motioned to take this off the table and seconded by Dennis Ciotti. **VOTE U/A**

Jim Schulte explained that there were 5 lots proposed, each with four condo units on it. They added landscaping along the 2 houses on the corner, numbers 11 & 19 Atlantic Ave. The parking lot will be screened. The applicant will pay for 2/3 of the cost of a sidewalk from this project to Portland Ave. The City will be putting in a new water line and rather than put in the sidewalk the City will do it at that time. They are contributing to the recreation fund. Jim Schulte stated that Mr. Stancel will be dealing with the type of screening they will use as he has been in touch with the abutters. They are putting in a double row of white pines and arborvitaes along the driveway to protect the house on the corner. Mr. Schulte said they are taking photos of the houses across the street instead of supplying elevations as they are identical. They are required to have 2 spaces for each unit and they are providing that plus a garage for each unit.

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

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

1. Add the owner's signature to the plat.
2. Add the surveyor's and engineer's signature to the plans.
3. Approval includes the granting of a waiver for pavement within five feet of a property line.
4. Correct note #17 on the subdivision plat to indicate that a variance was granted and give ZBA case number and date.
5. Revise the site plan to add a note indicating the special exception granted, including the ZBA case number and date.
6. The applicant shall supply architectural renderings prior to the signing of the plans.
7. Provide the Planning Department with the proposed access and utility easement documents prior to the signing of the plans.
8. The applicant shall provide a contribution in the amount of \$2,000 for improvements to an off-site recreation facility, prior to the issuance of a building permit.
9. The applicant shall provide a contribution in the amount of \$20,000 for sidewalk construction along Atlantic Avenue from driveway to Portland Avenue. Said contribution shall be collected in five \$4,000 payments at the time of the issuance of a certificate of occupancy for each of the five buildings.
10. Revise the plan to address the issues contained in the 9/11/06 memo from Dave White as follows:
 1. Install a back up/turn out area at the end of each parking lot.
 2. Adjust grades and contour lines at the entrance of the subdivision that are mismatched.
 3. Show the proposed underground telephone and electric utilities



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4. The main water line to the Southern units should be 8" CLDI, not 4" if it is ever to be extended.
5. An attempt should be made to increase the cover over the cross culverts.
6. Current costs for offsite improvements of installing a curb and sidewalk have been provided to planning.

Dennis Ciotti seconded.

VOTE 8 – 1

Opposed -Tony McManus

B. DISCUSSION AND POSSIBLE VOTE ON A SITE PLAN AND CONDITIONAL USE PERMIT FOR MARK INVESTMENTS, INC., (WALGREENS), LOCATED AT 856 CENTRAL AVE./1 & 3 GLENWOOD. (P06-32)

Christopher Parker stated that they are still working on the feedback from the Board.

6. NEW BUSINESS

Perry Plummer handed out a DVD having to do with the City's Sprinkler Ordinance. It is starting to play on Channel 22. This will give the Board a heads up when the ordinance comes up.

Perry Plummer asked if Mr. Cheney, 53 Back River Rd., could speak as he missed Citizen's Forum.

The Board agreed to take Mr. Cheney out of order.

Mr. Cheney said that the staff was more than helpful. He said that the Board approved the project on Back River Road. The project has a long driveway and the area that is being worked on is out of the public view and adjacent to his property. He doesn't believe that the developers are following the rules. They are cutting trees up to 4 inches of his property. They are not adhering to the 50 foot "no cut" buffer. He said that he would like them to adhere to the plan that they brought before the Board. He said that they are also blasting and there are rocks on his land. He said that he doesn't know what procedure to follow and that is why he is here.

Perry Plummer stated that they received a lot of questions regarding the blasting. The developer filled out a permit with the Fire Department and submitted a Certificate of Insurance. He said that the notification process to the residents is a horn that is sounded before they blast. This is something that they are looking into and they do have to blast safely. The Fire Department has gone right out when they receive a complaint. The rocks in Mr. Cheney's yard are unacceptable. The company will rectify the situation. He said if someone has a problem with blasting they should notify the Fire department and they will go out.

A. DOVER SAND AND GRAVEL

Bruce Woodruff said that the Board gave the Proulx a 30 day extension to eliminate the standing water, build a berm, scrape the bottom, put the silt on the sides, and to take core samples to determine if it was groundwater. He said that they don't doubt that they are going to do everything but the Board should ask for a timetable. The Proulx are working very hard and the water has gone down almost 4/10th of a foot. Dean Peschel has done some studies and there are studies that have been done for Madbury Metals showing that the City could pump the Griffin and Ireland wells to a greater extent than they have been. They have



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been pumping the wells at about a rate of 1,100 gals per minute. The Board should get an end date for the completion of all the items before considering another extension. If an extension is given it should be based on the final date that they give you. The Proulx's are filling the bottom with the appropriate materials and have finished the berm on their property line between Griffin Pit and themselves. He stressed that it is not just himself and Tom Clark but Doug Steele, Dean Peschel and Tom Fargo who are working with the Proulx's.

Attorney Polloc, from Concord, stated that he was representing Pruven Aggregates. They are pleased that the City believes that they are making progress. They are diligently working to try to address a problem that the Board has been aware of for some time. This problem first occurred due to the placement of some silt laden material on the adjacent Griffin pit. It is important to note that this problem is a result of activities that did not occur on their site but because of gravity, migrated with the water onto their site. This clogging or accumulation of the silt in the floor of the pit grew to the point that it spread from the Tyra/Griffin Pit as it got saturated and extended out to the Pruven Pit. He said that there is only a small portion of the lake that is on their property. They are addressing a problem that started elsewhere. They have not seen the amount of cooperation from Tyra that they would have liked. Pruven has embarked on an aggressive plan to drain the perched area and to fill in depressions with more permeable materials so the problem doesn't reoccur. They also relied on an earthen berm which they have recently completed, to shore up some of the slope area. The berm separates one part of the lake from the other in order to keep the water from running across into their pit. He passed out some photos showing the berm. City staff has been out to the pit regularly. They have contracted North American Reserve from Laconia and they have contracted with a sonic drill boring company. Not only will they have them manage the property and the drill, they will also have a sub-contractor conducting the drill. The date of October 23 has been set. That is the soonest that the drill equipment can come to the site. The three core drills can be completed in one day. He assumes that they are weather dependent. A report will be completed two weeks after those drills are finished and it will be submitted to staff and it will be determined at that time if the water was perched and whether breaching that perch is the solution or whether some more complicated engineering will be required. They won't be able to answer all the questions until we see what is in the ground. He is a lawyer not a scientist but there is a difference between a regular drill and a sonic core drilling rig. That will detect a different media. If a drill goes through a stretch of water it will come out with a result that you have hit 3 feet of water as opposed as to just picking up dirt. That will be very helpful in finding out if the water is perched and what the long-term solution is. They would like to have an extension that gets them through the drilling to sometime to the second November meeting. That would work with their schedule and to follow up with staff on the results. They have made it clear to Dean Peschel that he is more than welcome to come and observe the drilling or send someone on his behalf. Now that he has a date far in advance he should be able to schedule that. They are spending a lot of time and money addressing a situation that wasn't caused by them but migrated to them. They would like to think that others who have this problem are being equally responsible about their responses though their white tape line across the floor separates them a bit. They will have the report available and they will have a long term solution.

Bruce Woodruff wants to clarify to the Board that the status of Grifco/Tyra is one of not having a permit from this Board. Mr. Griffin is working parallel with the Proulx's. They don't have the same engineer and they have retained a hydrogeologist. They have updated their survey and monumented the City boundaries. They are addressing all of the things that the Code Enforcement Officer has asked them to do so far. Mr. Griffin's intent is to come before this Board and ask for an extraction Permit again.



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Doug Steele stated that he would support the request of the Proulx tonight. They are making improvements and he feels that it is a reasonable timeframe. He is supportive of their request.

Dough Steele motioned to support the requests of the Proulx and extend them until the meeting of November 28, 2006.

Donald Andolina asked if a completion date is satisfactory.

Bruce Woodruff stated that Mr. Polloc explained that they will be getting a plan and a report approximately two weeks prior to the Board meeting in November. That would give the staff time to figure out what needs to be done beyond that. He said that they still will be looking for an engineered plan that says what has to happen in a comprehensive manner on that whole area which is owned by a couple of different people and that plan has to address long term stormwater management aspects. That cannot be done until after the recommendations in this study that will come out sometime in November are implemented. They are on board with the Board doing this but as long as they know that there is still one more thing to do beyond that. Bruce Woodruff stated that he is comfortable with the motion made.

Tony McManus stated that there is a letter here Sept. 19, 2006, from the North American Reserve to Richard Proulx that is part of the material and it says that on the bottom that Pruven questions Mr. Clark's authority to intervene in this matter. He hopes that has been withdrawn.

Bruce Woodruff said that the City's regulations are perfectly clear. The enforcement official with regard to extractions is the Code Enforcement officer, Tom Clark. He is also the building official and the ordinance says the Building Official or his designee. Bruce said that he is his designee and many times they both go out to the pit.

Tony McManus said speaking for the Board that the directions that Tom Clark has given the Proulx are the directions that are to be followed.

Frank Torr said that there are multiple players and the players have to be in sync.

Bruce Woodruff said that is the reason why Mr. Griffin has to follow a parallel tract. We need to have those studies side by side. Mr. Griffin was told that he has to do the same types of things as Mr. Proulx.

Frank Torr seconded the motion.

VOTE U/A

Chris Parker stated that they have received a letter from Strafford Regional Planning indicating that Dover can have four commissioners and at this point we have one, Frank Torr. We are looking for three more to join him and step up to the plate.

Tony McManus stated that it does not have to be a member of the Board but could be a citizen out there.

Adjournment



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Frank Torr made the motion to adjourn.

Donald Andolina seconded.

VOTE U/A