



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, October 10, 2006**
Meeting Time: **7:00pm**

Members Present: Tony McManus, Frank Torr, Ron Stock, Doug Steele, Marcia Colbath, Dean Trefethen, Donald Andolina, Perry Plummer, John Swartzendruber
Members Absent: Bryan Cahoon, Ron Cole, Kirt Schuman
Staff Present: Steve Stancel, Planning Director; Christopher Parker, City Planner; and Jacqueline Freeman, Recording Secretary

Vice Chair Tony McManus called the meeting to order at 7:00 pm. He announced that **#6. Old Business, a. Mark Development (Walgreen)**, would not be heard this evening, but would be discussed at a later meeting.

1. Citizen's Forum

There were no speakers.

2. Approval of the minutes.

Frank Torr made the motion to approve the minutes of the meeting and workshop of September 26, 2006. Seconded by John Swartzendruber. **VOTE U/A**

4. Consideration and acceptance of a request for a Conditional Use Permit for Carex Ecosciences, LLC, (Owne Paul & Karen O'Brian) Assessor's Map H, Lot 28, zoned R-20, located on Durham Road.(P06-49)

Leonard Lord, President of Carex Ecosciences, LLC, stated that he represented the O'Brians. He said that they want to put in a driveway at an existing sewer stub. He asked if they could line the house up with the adjacent house and if they were required to meet the 50 foot buffer.

Steve Stancel explained that the only way the structure could be built in the 50 foot wetland buffer would be if it could not be feasibly built on the portion of the lot that is outside the Wetland Protection District.

Marcia Colbath stated that the Conservation Commission had no major concerns for the wetlands impact that they were asking for but there was no mention of building within the 50 foot buffer.

Frank Torr made the motion to accept the application. Seconded by Donald Andolina. **VOTE U/A**

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

Doug Steele made the motion to approve with the following conditions:



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1. The applicant shall obtain a NH Wetlands Permit from the NH Department of Environmental Services and submit a copy of the permit to the Planning Department.
2. The erosion and sediment control measures depicted on the submitted plan shall be installed prior to earth disturbance.
Marcia Colbath seconded. **VOTE U/A**
3. **Consideration and Acceptance of a request for a site plan of land for Paolini Brothers Development, LLC, (Owners Paolini Brother and Christopher Lara & Leigh-Anne Sapieza) Assessor's Map K, Lot 22, zoned B-3, located at 48 ½ Dover Point Road. *(P06-50)(3 Units)**

Paul Connolly spoke on behalf of the Paolini Brothers. He explained that there are seven existing townhouse condos and they are proposing three additional townhouse units. The sewer serves the site and there is a 6" cast iron water line. There is a natural gas easement down the common property line. He said that the ZBA granted a Special Exception for the three additional units on August 17, 2006. Discussion ensued with regard to the parking.

Bob Paolini explained that half of the home owners have 2 cars and three of the home owners have 1 car. The visitor spaces are used on the weekend.

Dean Trefethn asked if they were asking for a lot line adjustment in this plan.

Steve Stancel explained that they were overly ambitious and put this on the agenda before the lot line adjustment came in. He suggested holding the public hearing and tabling the application.

Donald Andolina made the motion to accept the application. Seconded by John Swartzendruber. **VOTE U/A**

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

Frank Torr made the motion to put this item on the table. Seconded by Perry Plummer. **VOTE U/A**

5. **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)**

David Groen, explained that they wanted to build on the upper side of the lot. They went before the ZBA and were approved.



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Frank Torr made the motion to accept the application. Seconded by Marcia Colbath. **VOTE U/A**

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

Steve Stancel explained that they are requesting an amendment to a subdivision that was approved for a previous property owner on May 28, 1991. The applicant appeared before the Conservation Commission on July 10, 2006 for a Conditional use Permit due to the house being located partially in 20% slopes. They went before the ZBA on September 21, 2006 and obtained variances for the inadequate frontage and lot area in the RM-20 portion of the lot. The Planning Department recommends approval of the revisions to the subdivision approval of May 28, 1991 and the revised Conditional Use Permit with the following conditions:

Dean Trefethen made the motion to approve with the following conditions:

1. The house shall be built in the location depicted on the submitted plan prepared by Trittech Engineering Corporation.
2. No driveway shall be permitted to access Oak Street.
3. The erosion and sediment control measures depicted on the submitted plan shall be installed prior to earth disturbance.
4. The property deed shall be amended to add a notation that any earth disturbance in the R-12 portion of the parcel would require a Conditional Use Permit.

John Swartzendruber seconded.

VOTE 8 – 1

Opposed – Tony McManus

6: Old Business

a. 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 Ave. (P06-32)

This item will be heard at a later meeting.

b. Continued Public Hearing, discussion and possible vote on a proposed amendment to the Dover Zoning Ordinance by revising Article 170-32 “Sing Review and Regulations” Section D “General Provisions” by amending section 5 to limit the allowances for flashing signs and by amending Section Q “Definitions” to add a definition for flashing signs. A complete text of the amendment is available in the City Clerk’s Office and Planning Department of City Hall and on the City’s web site www.ci.dover.nh.us.

Tony McManus explained that there have been two previous public hearings on this item.

The public hearing was reopened.



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Mike Leary, Sundance Signs, stated that changing the ordinance would not change the existing message signs that are already in place. The City should be addressing individual zones. He said that he does not support the change and asked the Board not to support it.

William Smiley, Application Engineer for a sign manufacturer, stated Mike Leary asked him to address the Board. Sign technology is changing and electronic reader boards are effective. He said that a large segment that uses the message boards were schools, churches and towns to welcome people. He asked the Board to do the research and not to just say they don't like them.

Don Ready, Barlow Signs, said that they do business in Dover and businesses have asked him to represent them. We are moving into a world where there are big box stores and the little stores are going out of business. This type of sign gives them an edge. He asked the Board to consider this issue of small business. The sign gives them the opportunity to speak to the people who are going by. NH DOT is using these signs everywhere and they are very effective. To deny a small business trying to survive the opportunity of a message board is unfair. This ordinance will have a long-range impact.

Linda Merullo, 21 Longhill Road Extension, stressed the importance of passing the resolution to ban electronic signs. She said that ZBA members are trying to enforce the 10 minute rule on some existing signs. She has concerns for the aesthetic and also that the taxpayers are paying for these court cases. She said that the key to enticing people in the shops and restaurants are not flashing signs, but imagination and creativity. She asked the Board to support the new sign resolution.

The public hearing was closed.

Ron Stock stated that the City can't be slow to embrace the changes in technology. We would be riding in a horse and buggy if we didn't embrace the automobile. Because there are some unethical or unscrupulous business owners that don't want to follow the regulations, it is no reason to ban message board signs. An electronic letter board that is changed from the inside, from a safety point of view, is better than climbing a 6 ft ladder in a parking lot in the middle of winter to change the menu. He felt that regulating the sign so it doesn't blink all the time and changes once a day would not be a bad thing. There can be some nice signs out there if people follow the regulations.

Steve Stancel stated that the department can research the SBA , FHA, US Chamber of Commerce studies and bring them before the Board .

Frank Torr recommended that it be left on the table.

Tony McManus stated that this item was never taken off the table and unless there was any objection it would remain on the table.

The Board agreed to keep it on the table.



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7. New Business

Steve Stancel said that a memo regarding a modification to the CDBG Action Plan for Fiscal Year '06 was included in the packets. The CDBG program had an additional \$110,000 come into the program after July 1, from the sale of the land adjacent to the Alder Meadow subdivision. That land was sold to the State of NH for a Park n' Ride. Liberty Mutual provided another parcel to the City and that allowed the City to sell land to the State of NH. The \$110,000 is available for reprogramming. The Dover Children's Center has gone out to bid and the bids came in higher than the original projections. The HUB would go from \$45,000 to \$79,300 and the Dover Children's Center from 150,000 to \$196,000. Dover Adult Learning is looking for funds to tear down their existing building and use the area for a playground. An additional \$10,000 is being proposed for the McConnell Center funds for completing a commercial kitchen that will service the children's center, as well as, any other users in the building. The process is that this goes onto the next Planning Board Agenda two weeks from now. The public hearing notice has been posted. This Board can vote to do this and the next evening it would go before the City Council for an additional public hearing and their approval. There is a bit of a timing crunch because the contractors will only hold their bids for a certain period of time.

Dean Trefethen said the City has already provided a substantial amount of money to the McConnell Center. He asked if this money would reduce what the City needs to provide. He thought that the individual organizations were responsible for fitting out their spaces.

Steve Stancel said If there had been any left over funds from the rehab of the McConnell Center, it would have been used to outfit the commercial kitchen. It appears that the project is coming in at budget and there won't be any funds available for the kitchen.

8. Community Reports.

Frank Torr stated that Foster's did a great job covering the Waterfront meeting of last Thursday October 5th. Mark Dickerson and his team presented his proposal before the committee. There will be a public waterfront park of approximately 3 acres, 184 condo units, a 5,000 sq. ft. restaurant and 40,000 sq. ft. of office/retail space. He said that the commercial area is located near the proposed Washington St. Bridge. This is a work in progress and it can change down the road due to negotiations. The proposal is to develop this over a 5 year period and that could be subject to change too.

Steve Stancel stated that there will be copies available in the Planning Office in the next 24, to 36 hours and they hope to have the plans on the City's web site. The meeting was video taped and will be seen on Channel 22.

9. Adjournment

Frank Torr made the motion to adjourn.



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Donald Andolina seconded.
VOTE U/A