



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, November 28, 2006**
Meeting Time: **7:00pm**

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

Members Absent: Bryan Cahoon, John Swartzendruber, Frank Torr

Staff Present: Steve Stancel, Planning Director; Bruce Woodruff, City Planner and Jacqueline Freeman, Recording Secretary

Chairman Cole brought the meeting to order at 7:01 pm.

1. Citizen's Forum

William Colbath, 82 Spruce Lane, spoke about the Class VI Roads and chastised the Board for sitting on the proposal put forth on August of 2004. He served on the original subcommittee. It started out with a complaint to keep the road open. The City Council found that it was a Scenic or Class VI Road and referred it to the Planning Board, who referred it to a subcommittee. They came up with a detailed proposal. That information went nowhere. It came up again and the Board sent it to another subcommittee. It is now attached to the City Council. He said this Board should have moved it along or acted upon it. Now it is being moved to yet another subcommittee. He is asking for the Board to discuss it and make a recommendation to the Council instead of passing the buck to the City Council for them to make a decision.

Steve Stancel explained how the Planning Board placed it in their list of goals and objectives and it never made it to the top of the list to be acted upon. This year at the request of Mr. Colbath, the Board held a workshop on the Class VI Roads and the Board voted on October 24th with several recommendations as follows:

1. To recommend that the City Council create a new committee to verify and validate the current efficacy of conclusions from the Planning Board committee, take a comprehensive look at all issues of the Class VI roads to include financial, liability, maintenance and development potential. The committee should also focus on addressing those issues in the area of Old Garrison and David Tuttle Road, Hanson Road, and Green Hill Road. He gave very specific recommendations on how the ad hoc committee should be made up.
2. Recommend to Community Services that County Farm Road from the end of the maintained section near the nursing home to the river be maintained from access to the river and trails and to preserve the status of the road as a viable public highway. Recommend the same action for the Class VI portion of Rochester Neck Road across the river.
3. Recommend to the Planning Department that a new bridge project be added to the CIP (as per Transportation Master Plan) along with improvements to approaches for County Farm Road and Rochester Neck Road to plan for a future transportation corridor.
4. Recommend to Community Services that Covered Bridge Lane be paved in the future. Add a paving project to the CIP for Covered Bridge Lane.



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Steve Stancel explained that they recommended to send it to the City Council and suggest that a new committee be formed to give it a more comprehensive look.

Chairman Cole took over the meeting at this point.

2. Approval of the minutes.

Don Andolina motioned to approve, seconded by Dean Trefethen.

VOTE U/A

3. Consideration and acceptance of a request for a lot line adjustment of land and Conditional Use Permit for Charles Kageleiry, John O'Neill, and Michael Brigham, (Owners Elliott Rose Company of Dover, Inc. & Thornwood Holdings, LLC), Assessor's Map K, Lot 19 & 26 and Map M, Lot 4, zoned ETP & R-12, located on Dover Point road and Middle Road. (P06-51)

Malcolm McNeill, Attorney at 80 Locust St., stated that they met with some of the abutters at Meadow Brook. The parcel contains 98.7 acres. The primary access is Dover Point road where there will be signalization. The access on Middle Road will provide access to the residential portion. 62 residential units are requested. He went over the various commercial uses. 112 units of congregate care are being proposed. The 48 detached single family units will sell for approximately \$350,000. All of the roadways off the main thoroughfare in the residential will be private and off shoots within the commercial will be private. The issue to decide is if the main roadway will be private or public. The developer desires that it be a private road but they have a greater desire to have this project approved. The Meadow Brook development, wishes that it be private also. They believe that private would be more desirable for the residents of the project. Russ Thibeault, fiscal impact person for the project has the flu and could not be present. The report that Mr. Thibeault provided estimates that the net annual positive impact of the project per year is \$445,000.00. The report clearly demonstrates that this is a cost neutral project at present and at 10 years from occupancy.

Bob Stowell explained how they were adjusting the property lines. This is an opportunity to split the property for Chad Kageleiry, the commercial developer, and Michael Brigham and John O'Neill, the residential developers. They have less than 10,000 sq. ft. of wetland impact.

Ron Cole explained that he works for a competing dealership but doesn't feel that he has a conflict.

Rob Mack, traffic engineer with TEPP., stated that they have submitted a traffic study for the area. They took traffic counts on Middle and Dover Point Road. They looked at the two phases of development. Their findings were – no significant traffic impacts at the site driveway. They looked at morning and evening peak hours and it is a Level A. At full build out at 10 years on Dover Point Road they feel improvements will be needed. Left and right turn lanes and signalization will be needed. The access road design through the site is adequate and in terms



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of use of the road, they don't see it as cut-through to Dover Point Road. It will provide a new route between the two roads and back door access to the commercial to the people on Middle Road. The majority of the traffic will be coming through the front access at the signal.

Rob Martel, Architect with the firm of Martel Architecture, went over seven images of the project from all angles showing the architecture of the buildings and locations on the site. They will all have New England styles of architecture.

Michael Brigham, residential developer, stated he picked a house model that would be expandable or shrinkable on the inside to fit the 55 and over lifestyle. They have a similar development called Pelton Way off of Route 1, on the Seabrook/Hampton Falls border.

Malcolm McNeill said the site is under a Superior Court receivership and is in a hazardous condition. Any development needs to be approved by DES. He went over the concerns of the abutters, one of which is the congregate care facility. The facility is for elderly people with or without kitchens with a common dining facility and accessory uses. There was a concern with the setbacks. They are proposing a 75' setback where only 50' is required. There will be reasonable screening. This is not a high impact use in terms of noise. They were concerned with the height of the building. They project 3 stories where 5 stories would be permitted. Concern was expressed regarding adverse hazardous waste conditions of the site. The best defense is gravity and the conditions will not go up hill but will be approved by DES. He went over each of the criteria for a conditional use permit. In comparison to what is there now, and any kind of ETP that would allow big office buildings, this will not cause a diminution of property values. There will be a lighting plan. If it is the desire for creativity, economic development, diversification of housing stock avoiding adverse fiscal impacts, creating a project that will help the tax base without hurting other services in the community, they believe that this project meets all the criteria.

Tony McManus asked about the phasing and the time frame of the construction.

Malcolm McNeill stated that once approved 50% of the residential will be started. The probable scenario would be the residential would start then the Ford dealership would get started and then the commercial development will be market driven. The remainder of the residential will not go forward until 20 to 50% of the non-residential structures are completed.

Tony McManus asked when the center roadway would be finished.

Malcolm McNeill said it would be a discussion with the City as to how soon it would be necessary to have the road go all the way through. In his view, he would hope that the roadway would service the residential units and would be a matter of discussion and safety. They would like to build the road in a manner that is reasonably commensurate with the build out of the project.

Dean Trefethen explained that the City provides no services on a private road. The services are all paid for by the people who live on that road. This does not mean that the public cannot drive



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down that road. It doesn't mean that it is private property. When the private road was discussed for this project earlier it was noted that the developer wanted some sort of a gate system so that cars coming from Dover Point Road to use the commercial could not go through to the residential area. Is that still the intention?

Michael Brigham said it would be his desire for the residential to not have through traffic. He is trying to create a neighborhood of 48 homes. At this point, they want to move forward.

Steve Stancel stated that it is bad planning to have this road not be public. If it is private you will be inhibited utilizing it. If private you would at least have to have a public easement access over it. You would need to be able to allow the neighborhoods along Middle Rd, Back Road, Court Street, etc. to access the services and shopping. If not a public road, you would have to go the long way around to get to the services. There is a lot of undeveloped land on Middle Rd. and Back Road and it will be developed and there will be more neighborhoods. He said that their study shows that the road will not be used for through traffic.

Dean Trefethen asked if the congregate care will be apartments or more assisted living.

Malcolm McNeill said they are thinking that it will be like Langdon Place.

Marcia Colbath stated a private road would defeat the purpose of the Overlay District making two separate developments and create a problem because of the potential development on Back Road.

Don Andolina made the motion to accept the application.

Dean Trefethen seconded.

VOTE U/A

The public hearing was opened.

Grace Griswald, 4 Constitution Way, was concerned with excess traffic on Dover Point Road. She asked if there would be sidewalks. She said it is a disgrace that all the trees were taken down and she is looking at nothing but piles of brush in her back yard. She said it is a beautiful project but the abutters should have been considered. She feels that they were done wrong.

Anthony Hartnett, attorney representing the property owners at Meadow Wood, stated that he attended an informational neighborhood meeting on November 8. The residents at Meadow Wood would like to see the natural state of things preserved. They understand the status quo situation regarding the greenhouse and the environmental issue. They understand that given the passage of the Overlay District that there will be some sort of commercial and residential. The project is probably not the worst project. He said that the developer would prefer a private road and they concur. They feel if public it would open it up to car and truck traffic including tractor trailers that would be passing in a close proximity to his clients' homes. The road would be exposed to the lower end of Meadow Wood. He asked if Middle Road is sufficient in width to



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accommodate the traffic. There is precedence for the use of private roads for commercial developments. They are requesting that the project be approved as private.

They would object to the proposed Congregate Care facility setback of 75 feet and the fact that the three buildings are three stories high and would be peering down on their back yards and in their windows. When Meadow Wood was approved they never knew that they would have commercial so close to their backyards. They are requesting that the setback be enlarged to at least 200 feet creating a "no build" green buffer and the congregate care facility be brought down to 2 stories high.

Screening is another issue. They request mature evergreen trees such as Norway spruce, hemlock or arborvitaes to provide year round screening and filter for noise, sight and fumes. They are asking for a "no-cut" 200 foot buffer.

Traffic noise is a concern and would have a detrimental effect on surrounding properties and of the property values in Meadow Wood as would the affects of the congregate care facility. There was talk of a veterinary clinic use. Concerns of dogs barking and the possibility of a kennel are a concern. Times of operation and times of deliveries of the box store is a concern. They ask that there be reasonable restrictions on the noise levels and restrictions of hours of operation and deliveries. The members have concerns that the lighting not adversely affects their privacy. They are concerned with wetlands as any disruption of wetlands or drainage configuration can have upstream effect. They have an irrigation well to handle their gardening needs and there is a concern that the activity will not deplete or compromise that system.

Beth Thompson, Economic Development Director, supports the Conditional Use as it meets all of the criteria. The City supports economic development in this area of town. This development combines economic development and community development and this development is providing opportunity for the residents to work, shop and recreate in this part of town. She encourages and support of this project.

Tom Fargo, 14 Cobble Hill Drive, agrees with Steve Stancel that the site access road off Middle Road should be open to the public. He would be one of the small number of residents that would use that route to go to the restaurant on site. He would be very upset if he had to go around sudden because suddenly there was a sign saying "private drive – residents only." He was disappointed when this Board allowed the Meadow Brook and Augusta Drive be gated as he was hoping that he could ride his bike to Golicks but there are signs that say "Private Area No Trespassing." He said the Conservation Commission will be meeting with the applicant on December 4th, at 5:30 pm in the Council Conference Room. The public is invited.

Chairman Cole recessed the public hearing. It will come up on the meeting of December 12th. A site walk was scheduled for Saturday, December 2, 2006 at 9:00 AM parking in the Thornwood Farms parking lot.

A five minute recess was called. At 8:45 PM.
The meeting was brought to order at 8:55 PM.



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1. Public hearing and consideration of a request for an extraction permit by James P. Griffin and Tyra, Inc., Assessor's Map H, Lot 60 & 62, zoned I-4, located off Mast Road.*

Eric Weinrib, Engineer with Altus Engineering, pointed out the location of the pit in relation to other pits and the Public Works Facility on the map. A substantial portion of the site is below water elevation. Lot 62 is not under water at this time. They would like to be able to have a gravel application either approved or reinstated for that portion. They submitted a hydrologic study. Mr. Griffin has ceased all work. They have addressed all of the issues from the punch list dated May 22, 2006. They provided barricades on the steep slopes. They haven't stored or stockpiled any foreign materials on the site. He said they understand that a gate has been installed. They are working to remove the silt layer in the pit. The pit area that is flooded goes beyond the property and onto the Pruven Pit as well. It is their opinion that the silt layers are very minor. There was a discharge from the Pruven wash plant for concrete across their property and down the access road, filling the pit with settlement. Those silt layers have ponded in there. They have provided a long-term drainage and surface management plan. They added some detail to create some infiltrations basins within the pond. There are six items on the punch list letter he went over the items. He said that all have been done.

Jack McKenna, environmentalist, said he was brought in to look at the groundwater issue and provide some analysis of the surface water and the groundwater. They did some monitoring in the past and he has put together a groundwater flow model to look at the conditions. They have established a seasonal water table. This year since we've had a lot of rainfall, the standing water in the pit has grown and he has been brought in to reevaluate what is going on out there. They have installed some monitoring wells and collected soil sampling data. They didn't see any across the board silt layer that would be preventing the water from infiltrating down. They measured the groundwater got an actual water level. They monitored water level measurements from the Griffin well and the Ireland well. He explained that there is a groundwater mound which is a high elevated area about 94 elevations. This mound is believed to be created by the recharge of water into the wash basins. He said that the City wells are pumping and lowering the water table and at the same time the wash basin is pumping water from the river for the wash and then discharging it into the wash basin. This re-injection is creating the elevated mound area and discharging into the pit area. He said that the groundwater is about one foot below the surface water. He felt that there is connection between the water in the pit and groundwater. He explained how the model works.

Bruce Woodruff stated that the Proulx pit and this pit are closely related. The Proulx report and the memo from Dean Peschel also talks about both pits. Staff performed many site inspections to monitor the status of gravel operations and of the standing water and to oversee the boring activities. He passed out photos from March, July, August, October and November with captions. There is still water on the pit bottom today. The application and reclamation/excavation plans are complete. No significant areas have been reclaimed since last year. It is recommended that the existing bond remain in place. He read Dean Peschel's memo summarizing the current condition in the Tyra and Dover Sand and Gravel pits. The



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Tyra recommendation is as follows: Water levels in the pits were lowered slightly during August and September only to rebound after rain events. As long as the water level persists there is no point in giving Tyra a permit to operate, as the pit floor is underwater and not operable from a practical point of view. Once the water recedes it is imperative that the pit owner prepare a plan with the current contours of the pit floor. With that data in hand, an analysis can be completed that determines if there is sufficient material left in the Tyra pit to complete the proposed reclamation plan. If it is determined that there is material in excess of the material needed to close the pit according to the reclamation plan, then a permit to operate the pit would be reasonable.

Tom Fargo, a hydro geologist, stated he spent time in the pit as a volunteer. He's been observing the pits for 5 years now. There are performance standards pertaining to the pits in the ordinance. The pit owners were contacted and had input. The first standard is that persistent surface water should not be allowed to exist in gravel pits for extended periods of time. The pit owners shall maintain a four foot separation between seasonal high water table and the bottom of their pit. There is evidence that that is not taking place. The Groundwater Protection ordinance states that in the groundwater protection zone, which encompasses this whole site, impervious surface should not be placed over more that 20% of the site without a Conditional Use Permit. Their uses are changing from extraction to material processing and material disposal and this is a concern as the material is sometimes not clean and can clog up the pore spaces of the aquifer. They have imposed restrictions as types of material they can bring in and this may or may not be working well. Tom Fargo explained how the Ireland and Griffin Wells provide 40% of the City's water and how that is related to the area and the pits. The influence of the pumping of the gravel washing is significant. The up side is because the water is flowing toward the Griffin Well from the washing operation the City can pump it. The down side is that in a drought year a lot of the sand & gravel was removed from this region and it removed the conduit for this water to flow toward the Griffin Well. You have to plan for this land for the future. We can leave the pond there; it's great, the bad thing is that this land is zoned industrial. We don't know if the Griffin Well will be able to be operated indefinitely in the future as it had to be closed at one time because of contamination from Madbury Metals. If the contamination comes back it will have to be closed down. If you want to use this land you have plan ahead.

Dick Proulx stated that the washing operation has been going on since 1954. In the early 80's it had been operated on a minimum standard but it was operated. The water used is roughly the same now as it was then.

Bruce Woodruff stated that the two pit owners were asked to share data and coordinate their efforts because these operations are directly in the same bowl or pit and this did not happen. The two reports are significantly different, staff recommends that both issues be tabled after a public hearing is opened so that the City may hire a competent engineer to give a 3rd party opinion and recommendations at the two pit owners expense. Mr. Griffin's consultant should use the time that this is tabled to use generally accepted engineering principals to determine the volume of the remaining materials that could be excavated to determine if there is enough materials in the pit to raise the pit floor.



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

Eric Weinrib stated it's their opinion that the Proulx's installed a new pump in the spring and their flow has increased dramatically. He asked if Mr. Griffin could excavate in lot 62, which is outside of the ponded area but is part of the Cease and Desist. The Tyra pit has complied and stopped work. He said that there is activity in the Pruvén Pit where they are filling it in and pushing more water in the Tyra pit. He requested that all activity be ceased so they can figure it out together and come up with a solution.

Steve Stancel stated that their recommendations should stand and the two applications should be tabled. They understand there is a high water table but even if it was at the normal 88 feet these pits are under water and that's a problem. The water elevation is at 93 ½ feet and that is the issue. Dean Peschel brings up a good point in his memo that we don't know if there is enough material to reclaim this pit so why would we give them a permit. These maps haven't been updated since 2002.

Bruce Woodruff stated that the permit is for an operation and not for a lot and you cannot separate the two. There are problems in the operation regardless of the lot lines.

Tony McManus said that the question is if there is enough gravel to reclaim the pit. We need to know that. He wasn't satisfied with the information that was received.

Tony Mcmanus made the motion to table.
 Donald Andolina seconded.

VOTE 7 – 1

Opposed – Dean Trefethen

ITEM 9 Old Business

a. Discussion of outstanding conditions of approval for Pruvén Aggregates for 2006 Extraction Permit – Map H, Lot 59, 59 A & 61.

Attorney Pollock, represented Pruvén Aggregates, stated Pruvén is here to follow up on a discussion from September. At that meeting the staff was in support of their request for additional time to lower the water in the pit. He passed out a photo around of the berm that segregates two areas of water. The question was whether or not the water on the bottom of the pit is perched above groundwater or is representative of groundwater. They were given a 60 day extension. They retained North American Reserve an environmental hydrology consultant from Laconia to supervise a sonic core drill rig. It removes an intact core from the ground and then gets bagged and preserved. They invited the staff but did not receive a response. Mr. Fargo was at the drilling site for a brief time. These bags were preserved and since no one was there to look at them they scheduled a day later in time to unveil them. The board was interested enough but most of their invitations were for not. Mr. Fargo was the only person



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there. It has been video taped for posterity. The conclusion is that the water is stranded and it isn't groundwater but perched. They hired an engineering firm to review North American's report and American Engineering also prepared a report and their conclusion to continue to address the standing water with the goal of elimination of the flooding and to continue to breach and scrape the surface. There is no question that Pruven needs time to address the issue. They need more time to finish that work. They have shored up the berm that insures that water doesn't circulate between the pits. They have been filling a portion of the flooded area. He circulated some before and after photos. He asked that the matter be closed with the understanding that monthly status reports from the operator would be submitted to the staff to track their efforts and to fill in when they can with permeable materials to close up the hole. The staff would receive this report and bring issues to and put them back on the agenda. With regard to the neighboring pit some of what the Board heard tonight is not their view of things. The failure of the settling wash basin was 5 or 6 years ago. The notion that has created a flooding condition is inconceivable. He felt that the Board's decision in the spring of 2005 to not renew the permit for the Tyra pit because of excessive excavation. He was bewildered as to how they got to the point where they would be forced to table with others to try to resolve a problem that is now separated by a substantial earthen berm and have the wash plant come under the microscope. The notion that they have increased the volume is false. He said if the City wants another opinion, they don't have a strong objection and will pay their fair share.

Ron Stock asked is there was any reason why the water that is pumped from the river which is ½ mile away can't be reused so they wouldn't be adding more water to the area.

Dick Proulx stated that it takes clean sand to make strong concrete. They've had permits from the Corps of Engineers in 1959 stating that they have a right to do this. The problem is when the Griffin well was shut down in 97 and only recently has been sporadically pumped. The water goes down when they are pumping.

Tony McManus said that it was his opinion that Proulx would continue to operate under the existing conditions. He felt that we should have our own expert come in.

Tom Fargo said that there are areas that are causing slight perching. He said when you find yourself in a hole you should stop digging. He communicated to Dean Peschel that the methodology they were using would answer one question but not what they were asked to do. He felt the experts' conclusions were "It's not their fault", which doesn't answer the original question.

Eric Weinrib said that installing the berm did not fix the issue and made it worse unless they have a lot of impervious material on the site. The breach that occurred did not occur several years ago. The City saw evidence of recent breaches. He asked that until this is solved by an independent, that they stop pumping and their activity stop so they can get the water down to do top on the pit.

Rick Proulx, Vice President, stated that the berm is a concrete material and it is impervious. The water is not going to get through very easily. He said a storm washed out the berm and



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they fixed it. The berm is about 14 feet high and 12 – 14 feet wide and there is no possibility of water on his property going to the Tyra pit.

Tony McManus made the motion to table.

Ron Stock seconded.

VOTE 5 – 3

Opposed - Dean Trefethen, Donald Andolina, Doug Steele

Steve Stancel asked if that included the recommendation from Bruce Woodruff?

Ron Cole asked about the 3rd party.

Tony McManus said that the Proulx have made an effort to comply. Their hearing was in April, they received an extension and it is now November and it is still not resolved. He motioned to revoke the permit if the conditions are not met at the 1st meeting in February.

Ron Cole stated that this comment is in conjunction with the hiring of an independent expert.

Doug Steele stated that they both affect each other's operations. He is concerned with the City's water supply.

Ron Stock seconded.

VOTE – 5 – 3

Opposed – Dean Trefethen, Donald Andolina, Doug Steele

Dick Proulx stated that he is not sure of the exact date but they might be in Florida.

5. Consideration and acceptance of a request for a subdivision plan of land for VC Dover Investments, (Owner John f. Torr. Trustee) Assessor's Map H, Lot 4, zoned B-4/I-4, located on Mast Road/NH Route 108.*(P06-24)(2 lots)

6. Consideration and acceptance of a request for a site plan of land and two Conditional Use Permits for VC Dover Investments, LLC, (Owner John F. Torr Trustee, et.al.) Assessor's Map H, Lot 4, zoned B-4/I-4, located on Mast Road & NH Route 108.*(P06-25)

Deb Brewster, Engineer with TFMoran, introduced Alex Vailas, Mary Gamage, Larry Young with Hanaford. The Conditional Use Permit was granted on Aug. 22, 2006. They have separated this project into three segments. They are looking to subdivide the 55.7 acre tract. The front portion would be 21.2 acres, the second property to the rear would be 34.5 acres and a .09 acre piece would be dedicated to the City for the Mast Road widening. They have modified the original plan. They are no longer asking for a drive-through for the coffee chop. She said that Hanaford will have a pick up area where groceries will be put into the car. The residential has been reduced to 63 units. Mr. Mesiti is now the residential developer. They are undergoing design review on December 7. They will have all granite curbing and have added 5 foot internal



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sidewalks commingled with the walking trails. With regard to the commercial, four Conditional use permits are needed. They now have no wetlands disturbance and she went over the disturbance in the wetlands buffer. They received the Site Specific last week from NHDES. They are moving the building out of the 50 foot wetland buffer and are putting the parking in the rear. They are asking for one waiver for the width of the driveways. Their State permits have been submitted. She stated that the developer has a development in Manchester, off Candia Road. There are pictures of the developments in the packets that were handed out last week.

Larry Young, architect with Hanaford, explained the architectural style of the building, including the variations of the rooflines and forms, the recessed entries, the vertical elements and the windows and various use of types of sidings.

Marcia Colbath made the motion to accept the application for **#5. The subdivision plan of land for VC Dover Investments, P06-24)(2 lots)**

Perry Plummer seconded.

VOTE U/A

The public hearing was opened.

Marilyn Follansbee, 25 Dover Point Road, stated that she likes this plan without the drive thru.

Tom Fargo, Conservation Commission Chairman, stated that their goal is to get the restaurant out of the wetland setback area. They applicant is proposing to create wetlands in the uplands area so that it offsets the impact to the wetlands buffer.

Beth Thompson, Economic Development Director, said that she agrees with Mrs. Follansbee and this applicant has done a lot of work to make this project a project that we can be proud of.

The public hearing for both items was recessed.

Donald Andolina made the motion to table number 5 the subdivision.

Kirt Schuman seconded.

VOTE U/A

7. Dean Trefethen made the motion to accept number item **#6 site plan of land and two Conditional Use Permits for VC Dover Investments, (P06-25)**

Kirt Schuman seconded.

VOTE U/A 7 - 1

Opposed – Tony McManus

Tony McManus made the motion to table this item.

Donald Andolina seconded.

VOTE U/A



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Chairman Cole asked if there was a need for another Planning Board meeting in December.

Steve Stancel stated that it would be helpful. It was determined that it would be December 19, 2006.

7. Consideration and acceptance of a request for a Conditional Use of land for Albert Estes, Jr., Assessor's Map B, Lot 21-31, zoned R-40, located on Boxwood Lane.*(P06-56)

Doug LaRosa, Trittech Engineering, said that this Conditional Use permit is for an after the fact impact to the 50 foot setbacks from the wetlands. Mr. Estes built the building about one foot inside that area and the entire driveway.

Doug LaRosa explained that some of the driveways in this subdivision have Conditional Use Permits. He said that it was an oversight probably due to poor communications.

Steve Stancel stated that he spoke to the Building Inspector who said they normally require a sketch plan showing the plot plan and the location of the house. They are also supposed to identify the wetlands. In this case the wetlands were not exactly identified. There wasn't a driveway drawn into the plan. Tom Clark assumed that the drive would be some place else.

Marcia Colbath said that the Conservation Commission did a site walk and they reluctantly endorsed it because they felt that it was as much the City's fault as the builders' fault.

Steve Stancel said that he needs to stand up for the City. He saw the plan and it did not show the driveway. He said that it was a sketch to scale and it showed a 50' area between the building and the wetland.

Ron Stock made the motion to accept the application.

Perry Plummer seconded.

VOTE 7 – 1

Opposed – Donald Andolina

The public hearing was opened.

Al Estes stated that it was a mistake and it wouldn't happen again.

The public hearing was closed.

Dean Trefethen made the motion to approve with the following conditions of approval;

1. The applicant shall verify that there are recorded deed notations that communicate the potential buyers of the property the environmental regulations and use restrictions associated with the lot. These notations should include use restrictions associated with the wetlands



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
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areas and wetland setback areas on the lot, and open space-conservation easement areas surrounding the lot.

2. The Planning Department will review and modify, as appropriate, the administrative practices associated with compliance and enforcement of the City's wetland setback regulations (Zoning code 170-27.1 G 1).

Kirt Schuman seconded.

VOTE U/A

- 8. Consideration and acceptance of a request for a minor subdivision of land for Mike Towle, (Owner K & R Towle Revocable Trust of 1997), Assessor's Map J, Lot 12, zoned R-40, located on Old Garrison Road.*(P06-57)(1 lot)**

Marcia Colbath recused herself.

Kevin McEaney represented the applicant. Old Garrison Rd. is a Class VI road. There were two lots approved in the 1980s. They are asking for another 2 lot subdivision. One lot has an existing house. The State requires any building permit issued on a Class VI Road meets certain criteria and the City Council has to approve those criteria. There was a condition recorded at the Registry stating that there will be no City services. He pointed out the driveway will come off the existing driveway and will service all three lots. No new curb cuts off Garrison Road are required.

Donald Andolina motioned to accept the application.

Perry Plummer seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

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

1. Add the owners' signatures to the plat.
2. The applicant shall provide the Planning Department with a digital version of the survey.
3. The applicant shall revise the plat by adding a note that Map J, Lot 12 contains a minimum of 40,000 square feet of contiguous uplands.
4. The applicant shall provide the Planning Department with a copy of the NH Department of environmental Services Subdivision Permit and add the permit number to the plat.



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5. The applicant shall prepare an access easement for the shared driveway across Map J, Lot 12-3 and Map J, Lot 12-2. Said easement shall be reviewed and approved by the Planning Department and the City Attorney, and signed by all three parties, prior to signing of the plat.

Doug Steele seconded.

VOTE U/A

Steve Stancel stated that the Cochecho Waterfront Design Task Group is meeting Monday December 4th at 6 pm at the Dover Library.

9. Adjournment

Tony McManus motioned to adjourn at 11:20 pm.

Dean Trefethen seconded.

VOTE U/A