



CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Tuesday, May 22, 2007**  
Meeting Time: **7:00 pm**

**MEMBERS PRESENT:** Donald Andolina, Tony McManus, Perry Plummer, Kirt Schuman, Marcia Colbath, Linda Merullo, Ronald Cole, Frank Torr, Dean Trefethen, Perry Plummer

**MEMBERS ABSENT:** Doug Steele, John Swartzendruber, Ron Stock

**STAFF PRESENT:** Christopher Parker, City Planner; Jean Glidden, Recording Secretary

Chairman Cole brought the meeting to order at 7:00.

### 1. Citizens' Forum

There were no speakers.

### 2. Approval of the minutes.

Don Andolina motioned to approve the minutes of the meeting of May 8, 2007.

Tony McManus seconded.

**VOTE U/A**

Ron Cole announced that under **Old Business, ITEM 9. a. Community Bank & Trust Co.** has been removed from the agenda.

### 3. Consideration and acceptance of a lot line adjustment of land for Alta Hartdorn, Assessor's Map 14, Lots 10F & 10G, zoned R-12, located on Cataract Avenue.\*(P07-10)

John Berry with Berry Surveying & Engineering represented the applicant. He explained the plan stating that a triangular shaped parcel is being taken from Lot 10 F and added to Lot 10 G.

Frank Torr move to accept the application.

Dean Trefethen asked if lot 10-G is a lot of record.

Christopher Parker said it is and does not need the added frontage.

Dean Trefethen asked why this lot line adjustment is being done.

John Berry said that Mrs. Hartdorn wants to keep the lot, with the house on it, with the required frontage only, then take the excess of road frontage and add it to the frontage on lot 10-G.

Perry Plummer seconded.

**VOTE 8 – 1 Opposed - Dean Trefethen**



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

Christopher Parker explained that this plan was withdrawn from a previous agenda when a question arose from an abutter with regard to the boundary line. The boundary line now reflects an agreed upon boundary line.

John Berry said he provided the abutters with copies of deeds and plans.

Christopher Parker asked John Berry to get a letter from the Proulx's documenting that they are satisfied.

Marcia Colbath asked if this lot line adjustment will make it possible to build more than one dwelling on this lot.

Christopher Parker said not unless they put in a road and then they would have to come back before the Board.

Frank Torr moved to approve with the following conditions:

1. Add the owners' signature to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. Add the Surveyor's signature and seal to the subdivision plat.
4. Provide the Planning Department with documentation that the previous boundary conflict has been resolved.

Don Andolina seconded.

**VOTE – 8 – 1                      Opposed - Dean Trefethen**

**4. Consideration and acceptance of a site plan of land for 700 Central, LLC, (Owner: L & R Real Estate Development, LLC) Assessor's Map 29, Lot 9, zoned O/R-12, located at 700 Central Ave.\*(P07-20)**

Mike Seavert represented the applicant and owners. The Existing Condition Plan shows there are 27 paved parking spaces. The proposal is to redevelop the existing building and add a second story. The total square footage of the building will be 8,000 sq ft. The entire first floor will be medical offices. About 1,900 sq. ft. of the second floor will be three studio apartments. They will gain additional parking by creating angled spaces. Other improvements will be landscaping, lighting, curbing and a sidewalk. A rendering of the building was shown.

Linda Merullo motioned to accept.  
Donald Andolina seconded.



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### VOTE U/A

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

Christopher Parker stated that the applicant appeared before the Technical Review Committee on March 29, 2007. The applicant has requested two waivers. The first is a waiver from Chapter 149-14(D)(3)(a) asking for a length of 19.8 feet for 60 degree parking spaces where 21 feet is required. The second waiver is from Chapter 149-14(D)(3)(d) asking to allow continued use of parking spaces along Reservoir Street where vehicles back onto the street. The Planning Department supports the waiver requests because the total site plan improves the property and the use of it. The existing conditions are not optimum and the traffic flow will be improved by the proposed plan. The Planning Department recommends approval and he read the recommended conditions of approval.

Linda Merullo said that the color rendering adds an added touch and she is in favor.

Tony McManus said that the problem here has been traffic and parking. He asked how adding three residential units would be an improvement. The office zone allows a three to four family dwelling, provided the lot contains 500 sq. ft. per unit. The entire lot is 21,303 sq. ft. and he not so sure there is enough square footage to do what they want to do.

Christopher Parker explained that the zone boundary was determined and then they calculated the square footage in that boundary to calculate the density. He explains how the parking in a non-residential zone limits the density. In the Office zone you need 10,000 sq. ft. to have any uses allowed by non residential.

Tony McManus felt that 25,000 sq ft. would be needed for the combined office and residential.

Ron Cole asked if there would be a diminution in traffic coming in and out of there.

Christopher Parker said they worked with the applicant to create more of a buffer between Central Avenue and that first parking space. To the north of the building, the entrance is for In-Only where it was for In and Out before.

Perry Plummer asked how many spaces were required.

Christopher Parker answered they are providing 33 spaces.

Perry Plummer felt that they are making a bad situation better.



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Donald Andolina made the motion to approve with following recommended conditions:

1. Add the owners' signature to the plan.
2. Approval of the site plan includes granting the 2 waivers requested.
3. Add sign posts designating the residential parking.

Linda Merullo seconded.

**VOTE 8 – 1**

**Opposed - Tony McManus**

- 5. Consideration and acceptance of a minor lot line adjustment of land for Peter Russell (Owner: Lafrance Bowden Hospitality, LLC) Assessor's Map 39, Lots Nos. 76 & 93, zoned B-5, located on Hotel Drive.\*(P0-23)**
- 6. Consideration and acceptance of site plan of land for Peter Russell, (Owner: Lafrance Bowden Hospitality, LLC), Assessor's Map 39, Lot 76, zoned B-5, located on Hotel Drive.\*(P07-22)**

Chairman Cole suggested they discuss both the lot line adjustment and the site plan together and then vote on them separately.

Rick Lundborn, with Norway Plains, represented the applicant. He explained that when the hotel went in they moved quickly and now Mr. Russell wants to add a little more space with this lot line adjustment. The parking site plan will take the 23 spaces and reconfigure them in a circular flow back to the hotel parking area and to take and replace any landscaping that needs to be moved. They are proposing a fence around the perimeter abutting the residential uses. There will be separate drainage facilities for the parking lot as to not overtax the hotel parking. Mr. Russell is trying to find a user for this lot, such as a small bank, etc. If a user is found it would come back before the Board. The lot line revision is necessary for the site plan for the parking.

Linda Merullo asked about the proposed parking facing the Old Rochester Road residents.

Rick Lundborn said they are proposing seven foot vinyl-style fencing and to either plant the evergreen trees proposed themselves, or relocate the trees they are planning, if they get there first.

Linda Merrullo said from a residential aspect, she would like to see more landscaping.

Rick Lundborn explained that there is already a treed buffer and then went over the landscaping in other areas.

Linda Merullo stated she wanted to see the homes screened. She wanted to see more landscaping and not just moving what they have on the old plan.



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Tony McManus asked who the owner is of the lot that the proposed parking lot is going on.

Rick Lundborn said Lafrance and Mr. Russell. If the lot line revision takes place, Lafrance would own the parking lot.

Tony McManus asked if the hotel is asking for additional parking.

Rick Lundborn answered there is no difference in the number of parking spaces.

Tony McManus thought they were asking to approve parking for a use that doesn't exist yet.

Rick Lundborn answered that the parking is being reconfigured to get it off the driveway.

Tony McManus asked if the entire area of the new parking would be transferred to the hotel.

Rick Lundborn answered yes. He added that the hotel has a very extensive landscaping plan.

Perry Plummer stated there is no way the residential uses would see cars with a 7 foot high fence

Linda Merullo asked if they are putting landscaping in front of the fence.

Rick Lundborn said no, they are not currently proposing that.

Frank Torr made the motion to **accept** the application the **minor lot line adjustment (P07-23)**

Dean Trefethen seconded

**VOTE U/A**

Public hearing opened on **both** the lot line adjustment and the site plan ( **ITEMs 5 & 6**).

There were no comments.

Pubic hearing was closed on both items.

Chairman Cole asked for a motion on item **#5, the lot line adjustment (P07-23)**.

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

1. Add the owners' signature to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. Add the Surveyor's signature and seal to the subdivision plat.

Don Andolina seconded

**VOTE U/A**

Frank Torr made the motion to **accept ITEM #6, (P07-22)** .



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Perry Plummer seconded.

**VOTE U/A**

Dean Trefethen made the motion to **approve ITEM #6 (P07-22)** with following conditions:

1. Add the owners' signature to the plan.
2. The applicant shall demonstrate to the satisfaction of the Planning Department that adequate 7 foot high screening is provided to the residential abutters.

Donald Andolina seconded.

Tony McManus stated that the hotel parking should not be shared in the future.

Donald Andolina asked if they could add that as a condition.

Ronald Cole said he does not see the necessity to do that but it is up to the Board.

**VOTE U/A**

**7. Consideration and acceptance of a Conditional Use Permit for Leonard Small (Owner Jacquelyn Small), Assessor's Map L, Lot 95T, zoned R-20, located at 18A Roberts Rd.\*(P07-27)**

Ron Cole stated that he has done business with the Smalls but does not feel it is a conflict.

Mr. Small said he is looking to replace an existing swimming pool at the same location.

Perry Plummer made the motion to accept the application.

Tony McManus seconded.

**VOTE U/A**

The public hearing was opened.

There were no comments.

Public hearing was closed.

Christopher Parker explained that the applicant appeared before the Conservation Commission on May 7, 2007 to discuss the project. It was determined that a Dredge and Fill Permit will not be needed as long as this project meets the State's definitions for a "replacement in-kind." The staff recommends approval of the permit with the following conditions:

1. The applicant replaces the pool in-kind as defined by NHDES Wetlands regulations as outlined in the May 7, 2007 letter from David Price, Eastern Region Compliance Investigator.



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2. Applicant shall submit a soil erosion and sedimentation control plan to verify the planned avoidance of erosion along bodies of water as required by the Conservation District.

Tony McManus made the motion to approve with the above referenced two conditions.  
Donald Andolina seconded.

**VOTE U/A**

### **8. Consideration and acceptance of a site plan of land for the University of New Hampshire, for a gas pipeline along various properties, per RSA 674:54.\* (P07-28)**

Paul Chamberlain, Assistant Vice President at UNH for Energy and Campus Development introduced Doug Banks, UNH Architect; Larry Vandesel, Director of Design & Construction and Allen Brown the lead consultant on this project. He provided a brief overview. UNH has a long history of energy initiatives. They were recognized in 2001 when the Department of Energy did a survey for the lowest level of energy use on a square foot basis. In 2004, they took the next step when the Board approved a 28 million dollar investment in a co-generation plant. This was in lieu of spending money on an overdue upgrade of their boiler plant that provides hot water and steam. The board took the initiative to move them in technology in a co-generation plant. This is a more efficient way of meeting the university needs. Instead of using fossil fuel they propose to use landfill gas as the primary source of fuel for the turbine. This is a bi-product of decomposing material. Landfill management must operate a system of wells, piping and flares to capture the landfill gas before it can escape the landfill mass and before it can escape into the atmosphere. In Rochester, they produce more gas than they can productively use. This is a good energy source. They are limited by their air emissions permit and by the capacity of PSNH in that area to take more power. The gas generated is increasing and they have to flare more and more of the gas to destroy the odor causing compound. Landfill gas contains a high number of containments. He proceeded to explain the landfill gas. Another challenge is the landfill is eight miles from the campus and the route they picked is about 12 miles. The landfill produces gas at a constant rate year around but the university is seasonal. They need less in the summer time but enough gas to heat the buildings in the winter. They will install a second turbine to help with revenue for the project. They would meet 80 to 85 percent of the campus' energy needs. That would place the university in a leadership position in the State in demonstrating the feasibility of making a project work and staying away from fossil fuel. Natural gas prices have spiked and that was a major problem. They set budgets well in advance and this is a problem. This project will substantially lessen their exposure to the price instability. A slide show was shown. The gas will be transported to the campus by a twelve inch pipe line. The fuel that is not needed will be used for primary fuel for a second turbine. A key issue is the wetland impacts for the 12 mile pipe line. This is oil field technology. A drill rig will be used to minimize the impact of wetlands. The pipeline will be buried and methane is odorless and colorless. Our pipeline will be subject to annual inspections to ensure safety. They are mainly in DOT rights-of-way or the railroad rights-of-way. The processing plant is located on the back side of the Rochester landfill and will



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be well buffered. They have hired an operator that does this around the country. Emissions are a key issue and this will be a reduction for the region. NH DES is excited about this project. This will reduce the flaring at the landfill. By combining the two, it will reduce the combined emissions for the region. He went over the pipeline route leading to the campus and to the heating plant.

Donald Andolina asked the estimated completion time, cost and annual savings of the project.

Paul Chamberlain said that the timeline is to start construction this summer but the majority would probably occur next year. It would be a year to fifteen months from the time they give the contractors the go-ahead before they are in operation. The cost estimate is 40 to 45 million dollars for the complete project. Trustees have challenged them to repay the project in ten years. The goal is that it will be cost neutral. It is all about containing the tuition cost.

Tony McManus asked if they could store the excess gas at the landfill for future use or store it on the campus.

Paul Chamberlain explained they are looking into taking gas and reducing it to a liquid state. The problem is that the technology is not for small quantities. There is no way to store it. They are looking at alternative uses.

Tony McManus asked if someone along the route could tap into this pipeline.

Paul Chamberlain said they don't want to become a utility and have to be respectful with Northern Utilities and not compete.

Tony McManus said development is increasing around Exit 9 and wondered if there would be ability to tap in or to extend the pipeline to Channel 11 and to NHDOT, in Durham. He would hate to see it wasted.

Paul Chamberlain said that there is a possibility for Channel 11.

Ron Cole asked about the progress with the other three communities.

Paul Chamberlain stated they have been to all three communities and they are receptive and interested in the project.

Doug Banks explained that this process has been chosen to do under a design-build contract. The drawings are the basis of their work. This work will comply with all federal and state regulations. They have received a wetland permit. Illustrations show a pipeline along the turnpike, generally 15 feet off the edge of pavement and typically three feet under the ground. They will do



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directional drilling to insure there will be no disruption of wetlands in some areas. A key spot to address is the Rochester boundary, moving through Dover. He pointed out the areas where they would do trenching and an area where directional drilling will be needed. Further down at Exit 9 and Glenwood Avenue, they would go along in the NHDOT right-of-way. They understand concerns of any disruption of trees. They will attempt to do this in a way, with no visual impact, once work is complete. They have met with the city engineer with regard to digging up Sixth Street. The disruption of traffic will be a maximum of two days. The pipe is a 12 inch plastic pipe. He explained the process and how they did a sample weld to be satisfied that it is safe. The welds are very strong and plastic will not corrode or rust.

Dean Trefethen asked if the plastic pipeline is the same as the gas company uses.

Doug Banks wasn't sure.

Dean Threfethen said the City plans to put in an access road in the area of Cambridge Tool, where they have been granted a sewer line for a housing development and asked if the City would be cut off or if they would have a right-of-way, either beside, or over the pipeline.

Doug Banks said nothing would be affected in the area.

Ron Cole confirmed with Paul Chamberlain that they are being charged by Gilford Transportation. He asked what NHDOT is charging.

Paul Chamberlain said that it was an appraised value and they had to accept it.

Ron Cole asked about the gas they have to flare at the landfill and if there is a precedence for this in any area in the country doing a pipeline.

Paul Chamberlain said that a BMW plant in the south has an arrangement with a waste management landfill. They agreed to build a pipeline to use landfill gas as an energy source for the manufacturing plant. There are a number of places where they are manufacturing power on the landfill itself. UCLA has a landfill, which closed in 1982. The volume of gas is much less because the landfill is old and producing much less gas. They are using that gas to supplement their gas. This is not a unique situation. What is unique in this project is the size, 7,000 cubic feet per minute.

Ron Cole asked how long the landfill will be viable.

Paul Chamberlain said they expect to be good until about 2020. They may or not be successful in gaining additional permits for continued operation or expansion in the future. If it does happen,



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they will be in a good position to continue using the gas from the landfill. If it doesn't, the plant would have paid for itself and they will be grateful for the twenty year run.

Marcia Colbath said that the Conservation Commission has been following this project and they are very enthusiastic and would like to see it go forth.

Public hearing was opened.

Edith Holly, abutter to the project, specifically the Clark Brook and the Blackwater Brook area, before Exit Nine. She read a few lines from a letter from Society for NH Forest sent to her. They described the project as running through a southern New England stream bottom forest along Clark and Blackwater Brooks which in August of 1999 was identified as an unusual, natural community. The NHI stated that protection of this area should involve minimizing changes to the brooks, flood regime, minimizing the introduction of nutrients and sediments and storm water runoff and construction and vegetation clearing along the stream bank. This runs through wildlife resources. What if something goes wrong and this perfect pipe line isn't as perfect as it sounds. Who is responsible for damages and for restoration?

Bambi Miller, District Manager for Strafford County Conservation District, stated they obtained an easement from Edith Holly for her property because of the pond and the conditions. Dover holds a second position behind them so it is up to you to protect this property. This is not the only easement along this pipeline that the district holds; there is also one with waste management as it crosses over the Cocheco River. We have a responsibility to protect the value of this easement. The concern is not with the pipeline, it's a great use. Their concern is with piping it 12 miles and the possibility of something happening to the pipeline. What would happen if there was a problem and a leak? What kind of plans are there to make sure if there is a leak problem that they don't have big areas dug up and destroyed. She wanted this addressed.

Joe Merullo, 21 Longhill Road Ext., said he attended an information session to determine the tree delineation line. The tree buffer is their only screening from the Spaulding Turnpike and from noise and pollution. He asked that this be tabled until the UNH project members can set up a site walk with the abutting neighbors to answer any remaining questions. This area is a very fragile tree buffer shielding them from the Spaulding Turnpike. He's walked the area and he would like to better understand what trees would be removed, etc. He said that there is wetland and if that area would be eligible for directional drilling. He said that it's a great project but they have some unanswered questions as to what the impact would be.

Robert Anderson owns the corner northwest of Longhill Road and the Spaulding Turnpike. He asked if it is supposed to go under or over the bridge. They mentioned the bridge crossing the river up further and asked what the impact would be if someone hits it. He would like a site walk.



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Ellen Gray, 7 Crest View Drive, is along Glenwood and their property abuts the state property. The rear of the house is approx 30 feet from the property line. Her question is a safety issue with regard to the steep cliff along the ridge adjoining the turnpike. They had damage to the property when the State did some blasting. She commends UNH for finding an alternative form of energy. She has questions and would like a site walk.

Amy Sharp, 46 Conifer Commons, felt that a site walk is needed to address some of the visual and sound issues. She asked if the directional drilling is an option to the residential areas that will be abutting this pipeline.

Paul Chamberlain said he has heard many of these concerns. They held a public meeting for Dover abutters. They are interested in the site walk. They have been sensitive to the Crestview neighbors, as they will be fairly close to the back yards. They are limited by topography and don't have many choices in that area with regards to laying the pipe. They will replace trees if they do displace any. With regard to safety, their system will have pressure sensors and safety equipment that will automatically shut down the system. This will give an added bit of safety to the system. The folks want a better handle on exactly where the line is going with regard to the tree line. They will look at Long Hill Rd. Ext., particularly. On Long Hill Road they will be in the road and once they leave Long Hill Rd. it goes under the Spaulding and begins to follow the turnpike.

Ron Cole asked if they were intending to do a site walk.

Paul Chamberlain said he did intend on doing that and would be happy to invite the concerned abutters to walk the area.

Ron Cole said that they had anticipated doing a site walk with the Long Hill Road folks and Linda Merullo would be a point of contact with the neighbors.

Paul Chamberlain wants to be sure that everyone shares their comfort level.

Ron Cole said that Bambi was concerned with the flora and the fauna. Would the sensors in the pipe preclude an emergency situation? He pictures that it's midnight and lights going off all over the place. What would that response be and how disruptive would that be.

Paul Chamberlain understands the concern and it is understood.

Marcia Colbath pointed out that the Holly conservation is an Open Lands Committee project and it is City of Dover funds that were used along with federal funds so they do have an interest to



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see that the best is done. The Conservation Commission supports this project and the DES would oversee any disruption of any kind of wetlands impacts.

Ron Cole asked if the approval and a recommendation from the Planning Board were important to them when they go to the trustees and do they have a timeframe that would be interrupted if this item was tabled and the Board took action in two weeks?

Paul Chamberlain said it is important to the trustees. The last thing they want is to move forward with the project and then they find out there is a lot of public opposition. They are your university and they want to behave that way. Their timeline is to go to the Board on the June meeting sequence. The RSA provides for a 60 day notice and a 30 day opportunity to conduct the public meeting. They want to hear the comments. They were planning on doing the public walks. The comments are important to them and they want to do the site walks.

Tony McManus asked the date of the Trustees' meeting.

Paul Chamberlain answered the 28<sup>th</sup> of June. There is a Financial Affairs Committee meeting on the 19<sup>th</sup> and he needs their endorsement to go before the full board.

Linda Merullo stated she will recuse herself if there is a vote and she will have no comment.

Public hearing was closed

Christopher Parker said staff recommended approval, but in light of the public comment, it would be good to table this for the first meeting in June and try to set up a joint site walk for the Long Hill Road and the Glenwood Ave. area in order to reach both the Crestview and the Conifer Commons abutters.

Ron Cole stated that he will leave that up to the university representatives and the folks that have concerns to set up a mutually acceptable time.

Tony McManus felt the Board did not have any less responsibility to look at it than it would for any other site review even though we don't have a vote.

Ron Cole said that he would leave it up to the representatives to notify the Board of the time of the site walk.

Chris Parker asked the university to contact the Planning Office.

Marcia Colbath asked that the Conservation Commission be notified also.



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Dean Trefethen stated that he agrees with Tony with regard to the advisory vote and they can proceed with or without it. He is certain that they would like to have the vote but he thinks that we should take the same due diligence as with any other case. He would rather have a site walk that is officially arranged by this Board. He would not be comfortable doing a site walk on his own in the backyards of the Conifer and Crestview areas. He recommends a site walk set by this Board.

Ron Cole said that it would be a week from tonight at 5:30 pm. Meeting in front of 21 Long Hill Rd. Extension and then caravanning on to the Crestview Avenue area.

Donald Andolina made the motion to table.

Tony McManus seconded.

**VOTE U/A**

### 9. Old Business

- a. Discussion and possible vote on a site plan for Community Bank & Trust Company, located on Dover Point Road/Thornwood Lane (P07-21)**

**Would not be heard.**

- b. Gravel pit conditions status update.**

Christopher Parker said a memo has been drafted to update you on the conditions of the pits. Most of the conditions that could be met have been met. Bruce Woodruff felt that the procedures put in place for notifying the Board as well as the application process seems to be moving in a positive manner.

Christopher Parker said there is a letter for **Exit 9 (P06-61)** asking for a 90 day extension. The Planning Director can issue that and Tom Clark, Interim Director, has issued it.

Tony McManus took over the chair.

Thursday the 24<sup>th</sup>, at 7:00 pm, at Horne St. School, Cities of Dover and Rochester, along with SRPC, are hosting a Willand Pond water level informational meeting to go over the existing conditions and to solicit feedback from the public to gather information on the pond.

Tony McManus stated that there is a public hearing coming up for the waterfront where the public will have the opportunity to speak for or against it.



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Frank Torr added that on May 16<sup>th</sup> there was a presentation by Jim Schulte and Brian Gotlob on the waterfront and the economic impact. The key vote in coming up on June 13<sup>th</sup> before the City Council.

### **10. Adjournment**

Dean Trefethen made the motion to adjourn.

Linda Merullo seconded.

**VOTE U/A**