



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, August 14, 2007**
Meeting Time: **7:00 pm**

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

MEMBERS ABSENT: John Swartzendruber

STAFF PRESENT: Christopher Parker, Planning Director and Jacqueline Pease, Recording Secretary

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

1. Citizens' Forum

There were no speakers.

2. Approval of the minutes.

Frank Torr made the motion to approve.

Marcia Colbath seconded.

VOTE U/A

3. Consideration and acceptance of a lot line adjustment of land for David Bamford, (Owner: City of Dover), Assessor's Map 6, Lots 46 & 54A, zoned B-2, located on Third Street/Central Avenue.*(P07-42)

Paul Connolly, Civil Works, represented the applicant, and asked if items 3 and 4 could be considered together.

Kevin McEaney, stated that Mr. Bamford had been before the City Council to ask the City to convey two small pieces of land to be added to his parcel. They will be re-striping in the municipal parking lot so the number of spaces will not change.

Paul Connolly said that this project was an approved a site plan and a Conditional Use application for the reduction of the required number of parking spaces. The reduction in spaces is because of joint uses, commercial and residential, spaces on the street and in the Third St. parking lot. Since the time of the Board's approval, the plan has added residential units, and an underground parking facility. This is the third iteration of the site and it is very similar to the approved one with the following differences: They are proposing 7 residential units above the portals. (The original project contained 6 units.) The calculations for the parking demand are still good. There are 32 total spaces on site and many more off site. With the re-striping of the municipal parking lot, there is no net loss. Seven spaces next to the building will be dedicated to



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the residential units in the new part of the building. The 36 other spaces will be for the commercial uses and the other 13 residential units, in the existing building that comprise of 8 - 2 bedroom units, 4 – 1 bedroom units and a studio unit. He pointed out the location of the perennial garden.

Steve McHenry, architect, showed a rendering of the configuration of the building and the parking. He went over the basic massing of the three story building featuring a mansard roof. He pointed out the drive-thru passage way. The first floor on the right hand side will be occupied by the bank and the second level, with the balconies, by the residential units.

David Bamford, 296 Gulf Road, bought the triangle from the City and a small parcel with the understanding that it would be a new perennial garden.

Paul Connolly stated that the acquisition of the triangular portion of land does allow for the site access isles to be 22 feet wide. At the previous approval a waiver was granted to have 21 foot access isles. With the acquisition of land there is no need for the waiver. He said that all the mechanicals for the building will be hidden from view in a parapet behind the wall of the mansard roof.

Christopher Parker asked about removing some of the existing poles for the underground utilities and how that would affect the furniture store and the movie theater on Third Street.

Paul Connolly said they would get with PSNH to remove the poles and in doing so, they will address the need for the existing services across the street to Ross Furniture and the theater.

Frank Torr made the motion to accept the application.

Doug Steele seconded.

VOTE U/A

The public hearing on the lot line adjustment was opened.

Jason Howard, 120 Garrison Rd., owner of Ross Furniture, said that Dave Bamford told him they would put in underground utilities to his store. He said that he has just taken down 6 poles out of his parking lot so that there wouldn't be any wires. He was concerned that the street would have to be shut down. Power was a concern, as it may have to be shut off during the change over, which would affect his business and others on the street. His store is closed on Sunday and that would be a good time to change the power.

The public hearing was closed on **Item #3**.

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



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1. Add the owners' signature to the plat.
 2. Provide the Planning Department with a digital version of the plat.
 3. The applicant shall complete the transfer of land prior the issuance of a building permit for the proposed building.
- Donald Andolina seconded.

VOTE U/A

4. Consideration and acceptance of a amended site plan of land and Conditional Use Permit for David Bamford, Assessor's Map 6, Lot 46, zoned B-2, located at 488 Central Avenue.*(P06-37)(20 units, 3 Commercial)

Dean Tretethen made the motion to accept the application.
Donald Andolina seconded.

VOTE U/A

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

Chris Parker stated that on August 22, 2006, the Planning Board conditionally approved a site plan and Conditional Use Permit for 19 dwelling units and 9,850 square feet of commercial space for this property. This plan was never signed. The applicant has reapplied with one additional dwelling unit (total of 20), a slightly revised building footprint, and parking lot layout with a 22-foot aisle width. The Conditional Use Permit for reduced parking spaces was approved previously, but must now be approved again because of the increase in dwelling units.

Don Andolina made the motion to approve with the following conditions:

1. Add the owners' signature to the plan.
2. Approval includes granting the Conditional Use Permit for parking.
3. Revise the plan by adding a reference to the parking utilization study of the Third Street lot in the Rizzo Downtown Parking and Traffic Circulation Study.
4. The applicant shall provide a lighting plan that complies with Chapter 149-14-E.
5. The applicant shall provide a landscaping plan that complies with Chapter 149-14-G.
6. The applicant shall contribute \$561.00 to the City to help pay for the parking garage study and payment shall be made prior to issuance of a building permit.

Kirt Schuman seconded.

VOTE U/A



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Ron Cole wished Jeremiah Rood, the City's reporter from Foster's for five years, good luck in his new endeavor and complimented him on his professionalism.

5. Old Business

a. Discussion and possible vote on a site plan and Conditional Use Permit for Bill Dube, Inc. Assessor's Map K, Lot 19, zoned ETP, located on Thornwood Lane. (P07-38)

Ron Cole stated that he works for a competitor and sees no reason to step down.

Bob Stowell, Trittech Engineering, represented Bill Dube and stated they were before the Board on July 10th when the subdivision was approved. They have since been working with the staff on the site plan that is part of the original master plan for the Elliott Rose property. There is a change in the phasing. The Phase 2 line that incorporates a driveway that will take them out to Thornwood Lane, was part of Phase 3 of the original project. They don't have the specifics on the building elevations at this stage. They are working to develop conditions of approval that would allow them to come back prior to issuance of building permit, on the exact look of the building. They will come back when they have specific architectural features for the building.

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

Perry Plummer seconded.

VOTE U/A

Bob Stowell explained that Phase 1 is the parking area in back, Phase 2 is the southerly end of the building which is service, Phase 3 is the front of the building containing the showroom. They felt the need to connect to Thornwood Lane for business traffic wouldn't happen until phase 3, but now the feeling is that it is best to construct it in Phase 2, mainly for emergency access. The driveway of the existing facility was widened 20 feet. It is still an alternate access.

Dean Trefethen asked if they had a timeline for Phase 2 and Phase 3.

Bob Stowell said that construction would begin on the building within a 5 year period.

Kirt Schuman asked why they were not using pervious surface.

Bob Stowell said test pits show that the soils were not right for pervious surface.

Tony McManus asked if they had considered moving the cars from the front of the building to improve the streetscape along Dover Point Road since they will have more room. It would make



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the business more visible as they wouldn't have 2 or 3 layers of cars between the street and the building.

Frank Torr was concerned with the speaker system. He said that he could hear the speaker system about ½ mile away and now they will be closer to a residential area. He asked if it could be a non-verbal system.

Ron Cole said that he understands, being in an automobile industry next to a residential district. He doubts that they will be giving every employee a cell phone. It was tried and it didn't work. He wondered if they could place the speaker system in a certain way.

Bob Stowell answered that they have looked at speaker placement and directing the volume.

Frank Torr stated that he would feel more comfortable if it was addressed in the recommendations. He said that Dover Brook and Tofftree Lane have the same issues as his tenants and he gets complaints. He noticed that all three dealerships are infringing on State property and should be addressed at the same time.

Dean Trefethen asked if the site plan was approved, would they have to come back for the building and the architectural.

Chris Parker said that it would be a condition of approval much like the approval for the architectural rendering for the restaurant later in the agenda.

Dean Trefethen said that he would like to have Chris Parker address the speaker system for phase 1. The Board will have an opportunity to address it when phase 2 or 3 comes back, if the problem isn't solved.

Marcia Colbath asked if we have regulations in place regarding the level of volume.

Chris Parker said they worked with them on a similar project with regard to decibels and he feels that they can work with them on this project.

Linda Merullo was concerned with the driveway. Thornwood will be a main area for getting in and out of this building and because of the proposed bank, residential and a restaurant across the way, it will be heavily used. What are they anticipating for traffic when everything gets up and developed, and will it be an issue? The amount of traffic going out on Dover Point Rd. is a concern.

Chris Parker explained that Thornwood Lane will become a road with multiple curb cuts and will see a lot of traffic. Currently, Thornwood Lane goes in past the cul-de-sac and then it becomes



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more of a driveway. Since there is pavement there now, it would be a viable option for emergency use so Dover Point Rd. would not be the only access. As the building gets constructed and utilized, that emergency feature becomes more important. They asked the applicant to move the connection from Thornwood to the parking lot to Phase 2. It is anticipated by phase 3, there will be more projects under way and Thornwood Lane would be move from a driveway to a road to accommodate increased traffic and by phase 3, it will be a City street.

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

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

1. Add owner's signatures to the site plan.
2. Add the Surveyor and engineer's stamps and signatures to applicable sheets.
3. The applicant shall finalize the Conditional Use Permit plan for signature by the Planning Board Chair.
4. The applicant shall provide the Planning Department with the NH Department of Environmental Services Wetlands Permit and add the permit number to the plan.
5. The applicant shall provide the Planning Department with the NH Department of Environmental Services Site Specific Permit and add the permit number to the plat.
6. The applicant shall provide the Planning Department with proof that the Environmental Protection Agency Notice of Intent Permit has been filed.
7. The applicant shall return to the Planning Board for review and approval of the floor plan and architectural design for the specific building, the construction of which shall be started within five years.
8. The applicant shall contribute a fair share contribution for the off-site transportation improvements in the amount of \$11,292. Said contribution shall be paid prior to the issuance of a building permit.
9. The applicant shall submit the culvert crossing design prepared by a structural engineer, for review and approval by the City Engineer.
10. The applicant shall submit decibel information on the anticipated intercom system.

Chris Parker said the landscaping that was done under a previous approval did not hold up due to the road maintenance and salting by the State. There are pictures detailing three years of continuous abuse that the landscaping took and they are comfortable with that.

Perry Plummer seconded.

VOTE U/A



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b. Discussion and possible vote on an Open Space Subdivision of land for Long Hill Realty Investments, LLC, Owner: Vivian Tsemekles) Assessor's Map A, Lot 28, located on Sixth Street (P06-40)(20 lots)

Dean Trefethen motioned to take this off the table.

Marcia Colbath seconded.

VOTE U/A

Mike Garepy stated he was before the Board on July 24th and is in receipt of the conditions of approval and is comfortable with all 13.

Chairman Cole explained that the public hearing was closed and there would be no discussion on this item.

Marcia Colbath commented that it is her understanding that lot 20 does not involve a conservation easement at this time.

Mike Garepy stated that it would be subject to deed restrictions, as with the rest of the 19 lots from further subdivision, based on the yield plan density. There would be a conservation easement, not simply a deed restriction placed on that lot.

Marcia Colbath said because of the nature of the topo, she has an issue that there isn't going to be any oversight. This is an area the City has spent a lot of money protecting. It is part of the watershed, water protection and is a possible water sources. It needs to have additional protection for monitoring purposes. Marcia said that would be achieved by placing a conservation easement on a portion of that property. Very little is buildable but without someone monitory the land, on a regular basis, there is the potential for a landowner to do something that may affect the water and the brook and cause damage.

Tony McManus asked about the access to the lot 20.

Mike Garepy explained it is a 20 lot subdivision including the original house. There are 19 new lots. The access would be by a private way that would run across lots 4 and 5, to lot 20, which is about 82 acres in size. It will require a wetland crossing. They have received support for all the wetlands in the project. There will be a homeowners association that will be responsible for maintaining the open space a, b, c, and d.

Tony McManus asked if the homeowners association could be responsible for periodic review of the water quality.

Chris Parker said he would look into it.



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Mike Garepy said that he is not opposed to talking further with the Conservation Commission on long-term protection on lot 20, after the plan is approved. He wants to avoid having oversight and control over lot 20.

Tony McManus was not only concerned with lot 20, but the lay of the land flows towards the turnpike and fertilizer and everything would be running in that direction and going into the watershed. He asked regarding the negotiation with the State of NH and the Open lands in purchasing the land, how long they are willing to wait for that process before they commit themselves to starting this project.

Mike Garepy answered that he has been very open and up front with this property. The time line is a very limited window of opportunity with all the appraisals and the numbers to reach a consensus and this is plan B. The State is moving forward to try to advance the acquisition but their funding situation is in question. They plan on starting construction early in 2008.

Dean Trefethen said given that there will be no further subdivision available for any of this land, and the buildable area for lot 20 is limited even though the size is 80 acres, what value does the rest of that land have if it can't be subdivided, can't be built on and can't be used as pasture for horses? Why can't that portion be under a conservation easement for free?

Mike Garepy stated they are not ready give up those rights through a conservation easement at this point. It is not on the table. They have provided the required open space under the subdivision and zoning requirements. They have met the requirements.

Dean Trefethen asked what rights the owner of lot 20 would be giving up.

Mike Garepy said it requires some investigation. They could be giving up agricultural or forest management rights. There are details that would have to be worked out and they are not prepared to move in that direction without further review and discussion. He explained that the value of the larger lot in a private desirable location and without a multitude of restrictions placed on it has a higher value.

Dean Trefethen said he understands that there are owners that would like to be out in the woods. They are going to be very private and it would be difficult to see what they are doing with regards to things that could be detrimental to the environment. The Board has the duty to preserve some areas.

Mike Garepy said that he is more than willing to sit down with the Conservation Commission and the Open Lands for further protection on this lot but is not willing to put that out without further talk and discussion.



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Kirt Schuman asked about the recommendations for a contribution for on site recreation.

Mike Garepy said that he was surprised to see the contribution amount but he is agreeable to that. In the vicinity of where the Blackwater Brook crosses Sixth St., there is an area where they could likely construct some gravel parking spaces for a limited amount of vehicles to access not only the trails along the brook but perhaps, if public access is available, on the Holly property as well. There could be delineation on the site that it would be limited public access.

Chris Parker stated that they did talk about that and if you look at proposed condition #12, they talked about a trade off – not doing the sidewalk and doing the 4 parking spaces and the City would still get the \$4,000. He wouldn't mind if instead of doing the sidewalk, that cost would go towards the trails and the recreation component would be left for parking spaces. Calculate what the sidewalk would cost, and that money could go for the upgrade of any trail on the property of the open space for users of the project. The \$4,000 would be for the 4 parking spaces.

Chris Parker said that proposed condition #8 could be reworded to say: "In lieu of providing on-site recreation, the applicant shall construct 4 parking spaces on lot 20, near Sixth St., to be used for parking to access the conservation easement in the area. Proposed condition #12 would read as follows: The applicant shall revise the plat to remove the sidewalk from all sheets and define trail locations within the open spaces.

Mike Garepy said his thought is that where there are a good amount of trails that follows the brook already, they would delineate an area of Lot 20. His plan showed the entire brook and he pointed to an area that would encompass Blackwater Brook and would be available for passive recreation and access to all of the trails. It would be his preferred version of the conditions.

Chris Parker asked him if he would provide that in lieu of the off-site recreation.

Mike Garepy said he would provide that area for passive recreation, pedestrian access and create those parking spaces. He said that he wants to be sure that the 4 spaces are buildable and wants to work with the City engineers for a low impact, gravel turnout area. He doesn't want to have a traffic issue there.

Linda Merullo questioned Marcia on how much destruction would result from the construction on lots #20 and 18 and 19. to the conservation land. She asked if it would be a detriment to building house #20 as it is so far back.

Marcia Colbath explained that there are regulations in place, including the 50 feet from wetlands where they are not able to impact, except for the crossings.



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Linda Merullo asked Mike Garepy how much they would be clearing out around the houses.

Mike Garepy stated that the limits of the clearing will be defined by what is allowed under the zoning as a maximum. He can't speculate how much land the land owner in the future is going to clear. The vast majority of the house lot locations are in the existing fields and they are already cleared. Clearing the whole lot is not how they do business.

Marcia Colbath said that she hopes that they get to follow through with NHDOT. She did receive a letter saying they are seeking early acquisition of funding for this project. Her issue with Lot 20 is that anything allowed under a conservation easement would include some forms of agriculture, horse management and anything reasonable that those people would want to do. Having done conservation for a period of years she knows that mitigation that the State of NH would like to do involve a considerable amount of upland to wetlands and that lot would not qualify under those parameters.

Dean Trefethen said that he would like to have the 50 foot buffers from abutting land marked with ribbons, stakes or whatever to be confirmed by staff before and trees are cut down. He said he is confused with the possibility of the 4 parking spaces and then allowing people to use the trails, if there is not an easement on the property. He would like Mike say that there will be an easement.

Mike Garepy said that he is more than happy to say that. He said there is an easement plan that may have to be modified, based on the comments tonight. They can create an additional sheet for Lot 20. There will be a limited easement on the property in the area delineated as shown on the larger plan for passive recreation, strictly for pedestrian access. They don't want ATVs. He said that he is more than happy to continue discussions.

Marcia Colbath said, traditionally, in the open space subdivision the conservation easement is held by the City of Dover. She felt the conservation easement on the vast majority of Lot 20 should be held by the City of Dover.

Dean Trefethen asked given the discussion, if the Board is ready to vote on this.

Chris Parker said that he has revised 3 conditions. It would be wise to work with Mr. Garepy and have the public easement delineated to take out the controversy.

Dean Trefethen asked if the Board chose to put this off for a couple of weeks, would it still work in the applicant's time table.

Mike Garepy stated it was not ideal but if it puts the Board in their comfort level he's amenable but prefers to walk out with the approval and the conditions. If it needs to go beyond that, he



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wants to know the only issues that are being ironed out are related to what has been discussed. If there are additional comments he would like to hear them now.

Perry Plummer stated that he is not comfortable voting on this because of the conservation issue.

Ron Cole stated that we have gone over these 3 or 4 times. It is traditional with the Board that before a decision is made 99.9% of the t's are crossed. He said that he doesn't think that the Board is negative. He asked if there were any other outstanding issues.

Frank Torr stated that he would like to see the screening between the existing home. He said that it only shows white pines that are sparse and only cover only a small area. Site distance is another issue. The hearing was closed but he feels that the public should have the opportunity to have more input. The conservation issue is an issue to him. If the Board approves this plan, it becomes a bargaining chip. It's a key element to the Little Bay Bridge.

Ron Cole said that the line of sight is not perfect but he doesn't know what can be done.

Chris said that he was trying to address that as part of the drainage issue because there will be some grade changes needed.

Mike Garepy said that on CP 1, they have provided some screening and it is white pine which they feel will provide cover for the Hickman property. They have spoken with Mr. Hickman throughout the process. By the nature of where he built his home, there will be an impact visually to what he looks at and they feel is appropriate to address that.

Chairman Cole does not have a problem with opening the public hearing.

The public hearing was opened.

Chris Rose, 627 Sixth Street, said that the land is swamp land. He lives there and knows the trails. He is concerned because they are all on well water and he already has concerns with his well and now you are putting in more houses. Are they putting in public water? He is not looking at this as favorable. There will be traffic jams on a very interesting corner. He asked about going to a 4-way intersection. He is concerned with filling in the wetlands.

The public hearing was closed.

Ron Cole said that the Board has a letter from BJ Hickman, 623 Sixth St., stating his concerns with respect to losing the rural beauty, impact on wells, a new road being introduced on a dangerous curve, impact on wildlife, etc.



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Doug Steels said that there are no plans in the foreseeable future to run city water out there.

Dean Trefethen made the motion to table.

Kirt Schuman seconded.

VOTE U/A

Chairman Cole called a 5 minute recess at 8:40.

Chairman Cole brought the meeting to order at 8:45.

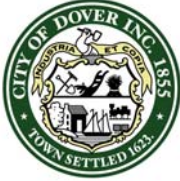
c. Discussion on a site plan of land and Conditional Use Permit for Orchard Street Realty Investments, LLC, Assessor's Map 16, Lots 32, 34 & 36A, zoned UMUD, located at 38 Mill St. (P06-62)(64 units)

Ron Cole announced that there would be no public hearing.

Chris Parker said that the Board would give feedback to the applicant after the site walk about architectural issues, steep slopes and any other issues or concerns. The discussion and possible vote will be at the September 28, 2007 meeting.

Malcolm McNeill stated he was present to give Mr. Garepy some support. They brought an aerial picture showing the relationship of the proposed development to the area in which it sets and to the Spaulding Turnpike. There were discussions with this being a rural wildlife area. The UMUD zone is the most permissive in Dover. The maximum lot coverage is 75 %, of witch their coverage is 38% and the height is 75 feet, and their building is 58 feet high. There is no frontage required and no side setback. The ordinance has been in effect since 1983. A property further down the street, a converted mill building, was developed with the UMUD zoning. The use is totally permitted and the density of this proposal is less than half of what is permitted and half of what they could put up. The Ten Commandments, up the street, is very dense. The Sawyer Mills development is one of the densest multi-family uses in Dover. The Paolini project is an extremely dense project. The police comments with regard to traffic and safety at the TRC were minimal. The street condition has been looked at by City's consultant. Their consultant will be present at the next meeting.

Malcom McNeill stated that the Conditional Use Permit is necessary only because of the 20% slopes. They have submitted a Soil Erosion and Sediment Control plan. State and Federal approvals have been received. The Conservation Commission has endorsed the plan with caveats. A yearly stormwater maintenance report will be filed with the Environmental Programs Office. With regard to Tony McManus' letter, he feels the issue is if they comply with Sections of 2. a. b. c. of Section 170-27. He said the best judge of that is the Conservation Commission in the actions that they took. This clearly is not an easy project with regards to the concerns of the neighborhood, of people living in an already dense housing, and with abutters regarding parking.



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They would like to be able to give the Board more evidence regarding the downstream defender. If Bruce Woodruff has any issues with regard to traffic, they would like to hear it. He felt that the traffic has been reviewed satisfactory. They are willing to talk about sidewalks with Mr. Steele. The most powerful influence or component of his project is the law itself. If the City of Dover wished this area to be zoned differently, there was an opportunity 5 years ago to do it. This complies with the law. He doesn't feel the blasting it is a planning issues.

Jothan Ring, Jones & Beech Engineers, performed extensive design work on the property, including layout, utilities, landscape, lighting, offsite improvements, traffic and the stormwater design analysis. The back slope that is shown on the plan will be stabilized at the end of that construction. The top area will be revegetated. Behind the property, toward the turnpike, there is 50 to 60 feet of vegetation, owned by the State of NH that will not be disturbed at all. On their site they have about 20 feet of vegetation on the top that will remain. The slope at the top will be faced off with a 6 foot high chain link fence and then about 24 white pines, spaced 10 foot on center.

Eric Soury said that drainage on a small project like this is easy. Half the parking is contained within the building, leaving a small parking lot. The main area of concern becomes the parking lot towards the north side of the site, along Mill St. They proposed a closed drainage system. The Conservation Commission agreed that detention is not necessary and treatment is the primary goal. He explained the catch basins are equipped with 3 foot sumps to allow for the capture of the sediments and letting the cleaner water to discharge and explained how it works. Normal maintenance will keep the infrastructure clean, such as catch basin vacuuming and parking lot sweeping. If you don't allow the sediment to travel to the basins, picking up pollutants along the way, it has no chance of getting into the river. Parking lot sweeping will be done four times per year. The truck picks it up and hauls it away. The system is more than adequate to treat what is left over in this small parking lot. He added that the City would not be responsible for any of the maintenance.

Dave White, architect, showed renderings of the front and back elevations of the building. In the winter there will be glimpses of the building from the turnpike but in the summer you would probably not see the building at all. He said that the utilities are hidden by the parapet of 2 ½ feet. The elevator will be in the center of the structure.

Marcia Colbath asked why the UMUD zoning was conceived.

Chris Parker explained that in 1983 it was a new zone. Previously, this area and the downtown UMUD zones were I-2 zones. In the early 80's, the City looked at economic development and documents said that the industrial uses within the UMUD zones were incompatible with where the economy was going. The intent was to give a second life to the mills.



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Kirt Schuman asked how much of the building encroaches on the slope.

Dave White said that the total building area in the steep slope is 6,300 sq. ft., and the percentage of the steep slopes impacted on the entire site is 28%.

Kirt Schuman was concerned with the livability of those units in the northeast façade of the building when the sun is low in the winter. He was also concerned with the stucco façade vs. brick.

Dave White stated that they have a project in Manchester where the building was cut into a ledge. The ledge cut was a vertical cut, not a slope cut as this one. It was fully rented and sold to another developer who converted it to condos. He sees no negative from a marketing standpoint. He said that he would like to do brick but they also want to do affordable. Dave White showed on the elevation that there are 4 floors above grade and on another, there are 5 floors. The back of the building is approximately 11 feet into the slope. They are burying the back part into the hill, so there will only be 4 stories on the back side. The back of the building will be 15 feet from the remaining slope and then it goes up at a half to one slope. For every 10 feet up it's 5 feet back.

Perry Plummer wanted it clarified that Chris Parker said that this area was never intended for new building.

Chris Parker said that it was his interpretation. There was no stipulation that you couldn't put in any new construction but the intent in his eyes, was to promote the mill as a viable structure.

Malcolm McNeill stated if the ordinance intended that there be no new construction, it would have said it. One of the components of the adaptive reuse was the existing mill buildings, but it didn't say that other properties in the zone could not be developed.

Jim Schulte, stated he represents Mr. & Mrs. Walker, who are the property owners. He said that this Board approved the Paolini project that is across the river several years ago, which is also in the UMUD zone. It was new construction of about 2 dozen town houses and a large apartment building. Mr. McManus felt it was overly constructed and had issues with that project at that time. This Board had no problem with new construction in that zone, because it is permitted.

Mike Derosiers, project superintendent, stated that they will hire a subcontractor to perform the blasting. They will do a pre-blast survey of the entire area. While the blasting is being done, they will monitor all of the abutting properties with systemic monitoring. All of the shots will be covered with blasting mats to prevent fly rocks. They use this company extensively and they have not had any problems. The blasting may go on for about 3 or 4 weeks. They will do smaller shots.



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, August 14, 2007**
Meeting Time: **7:00 pm**

Chris Parker asked if they have done a geologic study.

Mike Derosiers said that the rock is stable and they will drill a row of holes and put a small charge and pre split the face, as in some of the highway rock. It will be a finished face.

Chris Parker said that the City has the right to ask for a stability survey and the Board has the right to ask for a peer review. The Planning Department does not have enough experience to review it. As far as the follow up on the pre-blast survey, they look to the Fire Department to handle the blasting. If the Board wishes, it could ask for the study and the review.

Ron Cole asked if the State is in on this with respect to the blasting.

Mike Desrosiers said that they are not working within the r-o-w of the State, so he doesn't think it comes within the jurisdiction of the State DOT.

Tony McManus just assumed that that the geologic test would be part of the application.

Mike Derosiers stated he can make it available to the staff and the Board.

Perry Plummer said there is an application to fill out and there are all kinds of insurance information that has to be provided. There are some checks and balances if there is an issue.

Marcia Colbath said that she is uncomfortable with the level of blasting. Her experiences have not been good. She wants to be certain, if there are issues they are address promptly. She is uncomfortable with blasting half of this hill to put in a project.

Dean Threthen made the motion to table.

Frank Torr seconded.

VOTE U/A

Chris Parker stated that he would like to separate the Conditional use Permit from the site plan and have the Board vote separately on them. The Conditional Use Permit could be heard on the meeting of August 28, 2007. The Planning Board accepted jurisdiction of this project in June and by the RSA, gives 65 days to review and render a decision. That day is coming up at the end of this month. He spoke to Mike Garepy about getting permission to extend that deadline.

Mike Garepy said he would get something in writing to the Planning Office and for the Long Hill Subdivision also.



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d. Review of architectural design for site plan of land for a restaurant at Assessor's Map 38, Lot 6A-4 & 6A-2, zoned B-3, located at Shaw's Plaza, Central Avenue. (Owner: NP Dover, LLC)(P05-58)

Chris Parker said that this is a follow-up to an earlier site plan approval. Part of the conditions of approval was that the applicant comes back for architectural approval. The building has been modified slightly. The Board must affirm that it is a building that they want.

Dan Brennan explained that they have been pre-approved for a building at Shaws Plaza. He said that it was approved with 76 parking spaces. The building has been reduced to 4,450 sq. ft. and 114 seats, as opposed to the original 141 seats. There will be an exterior patio with 26 seasonal seats. The exterior will have various heights and will have a tile band at the base. He showed an elevation saying that the colors don't exactly match the actual. In actuality they are a bit paler and more muted. He said he would get some photos of standing restaurants.

Discussion ensued with regard to the colors.

Christopher Parker said they can make the motion to accept the application.

Tony McManus asked if anyone has spoken to Panera Bread to see if there are any alternatives.

Chris Parker said they meet the architectural design guidelines.

Dean Trefethen wanted the applicant to investigate the alternatives. They have gone to great panes to get rid of the canned buildings by having them add false roofs and siding to bring buildings more in line with the traditional New England architecture.

Dan Brennan stated that he will take some photos of existing buildings and bring them to the next meeting. He said that there are several standard colors and several designs. He will make sure they are all acceptable to Panera Bread.

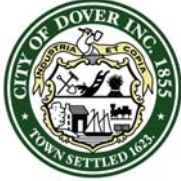
Dean Trefethen made the motion to table.

Don Andolina seconded.

VOTE 7 – 1 Opposed – Kirt Schuman

6. New Business

a. Request for an extension of approval for a minor subdivision for Jay Palmer, located on Palmer Dr.



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Kevin McEneaney, represented the applicant, and stated that this item was approved on March 13th and the State misplaced the subdivision application. They resubmitted and he now has the approval in hand. He asked for a week extension.

Frank Torr made the motion to grant the extension for 30 days.
Kirt Schuman seconded.

VOTE U/A

Chris Parker explained that 6. b. is Rosanna Drive Condominiums. This is a site plan that was approved September 13, 2005. They are back with a revision to the off street parking. They have decided to do garages and driveways, as opposed to off-street parking. A copy of the original plan and the new plan were enclosed in the packets. It is a reduction of 1 space but there was one space extra to begin with.

Frank Torr made the motion to approve the revised plan.
Dean Trefethen seconded.

Ron Stock asked if the buildings were pushed back from their original location.

Packy Campbell stated that when they did the original site plan it showed that 21 units could fit on the lot. He can say if it is 2 feet back or forward but they did lay out the buildings to allow for garages with parking.

VOTE U/A

Chris Parker said that Bruce Woodruff is on the Regional Impact Committee. There is a project in Madbury with regard to a gravel pit that wants to do a cement redi-mix project. The City became aware of it as an abutter and because of the proximity of Barbados Pond. There are concerns about air and water quality because of the City well. A letter was sent to Madbury to declare this a Project of Regional Impact, thus bringing Strafford Regional Planning in to give it some further oversight. Staff has been going to the Madbury Planning Board meeting advocating for the residents of Dover.

Ron Cole read a brochure inviting members to the Fall Planning & Zoning Conference.

Ron Cole stated that Liberty Mutual would like the Board to be at the grand opening on Sept. 17, 2007. He asked if the Board would like to go to see the Liberty building at 9:00 am, Saturday, September 8, 2007.

Ron Cole stated that there is a copy of the Right to Know Law in the packets. He said that they can go over it with the City Attorney. He asked the Board members to read it. He asked the Board to keep in mind that anything over e-mail is available to everyone out there.



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Chris Parker stated that he would like a possible workshop on Sept. 25th, prior to the regular meeting, with Strafford Regional Planning. Cynthia Copeland could give an overview of what SRPC does and why we should value them. He said that the City pays \$18,000 per year.

Ron Cole asked if everyone had a copy of the NH Statutes regarding the duties of the Planning Board. He asked everyone to read what can and cannot be done with respect to an application. Why the Board can turn something down and why it can't.

7. Adjournment

Donald Andolina made the motion to adjourn.

Kurt Schuman seconded

VOTE U/A