



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, September 11, 2007**
Meeting Time: **7:00 pm**

MEMBERS PRESENT: Marcia Colbath, Dean Trefethen, Linda Merullo, Kirt Schuman, Tony McManus, Frank Torr, John Swartzendruber, Ron Stock

MEMBERS ABSENT: Donald Andolina, Ronald Cole, Doug Steele, Perry Plummer

STAFF PRESENT: Steve Bird, City Planner and Jacqueline Pease, Recording Secretary

Vice Chairman Tony McManus chaired the meeting in the absence of Chairman Cole.

At Linda Merullo's suggestion, Vice-Chair McManus asked everyone to stand for a moment of silence in remembrance of September 11, 2001.

1. Citizens' Forum

There were no speakers.

2. Approval of the minutes.

Linda Merullo made the motion to approve.

Frank Torr seconded.

VOTE U/A

3. Consideration and acceptance of an Open Space Subdivision of land and Conditional Use Permit for Woodwind Farms, LLC, Assessor's Map N, Lot 8-1, zoned R-40, located on Gulf Road*(P07-43)(9 lots)

Dana Lynch, Civilworks, represented the applicant and owner Steven Woods. Atty. Chris Bolt, Donahue, Tucker and Ciandella was present. This parcel is located one half mile from the Cocheco Country Club and just before Three Rivers Farm. The land comprises of 58 ½ acres of land, is zoned R-40, has 1 mile of water frontage along Fresh Creek and the Cocheco River, and ¼ mile of frontage along Gulf Rd. The parcel is mostly open fields. There are trees along the easterly side of Fresh Creek. Existing improvements on the parcel are a cottage, barn, maintenance shed, and a number of paddocks and riding rings. The parcel is accessed via an existing driveway. The entrance is about 18 to 19 feet wide. The driveway runs into the property and leads to the barn and the cottage. The sight distance at the entrance is about 450 feet looking towards Dover, and more that 500 feet to the east. There is sufficient turning radius to accommodate horse trailers and support emergency vehicles. The yield plan supports 22 conventional size lots. There is a good amount of Conservation District on this property, such as the 100 ft. buffer from Fresh Creek and Cocheco River, as well as, a good amount of 20% slope. They are in the Riverfront District that requires lots to be triple the required size. Each lot has sufficient street frontage. The open space plan, Sheet 6, will incorporate 10 lots, 2 of which will contain the existing structures. Lot #1 incorporates the existing cottage and lot #10, which is 15



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, September 11, 2007**
Meeting Time: **7:00 pm**

acres, will contain the barn and maintenance shed. The remainder of the lots will have 8 new homes on them. They are providing for 13.6 acres of open space. Open Space A is 7.2 acres and runs across the frontage of Gulf Rd. creating a buffer. Open Space B is 6.4 acres, off the proposed cul-de-sac and has 700 feet of frontage on the Cocheco River. The entire area will be accessed via an extension of the existing driveway. They have modified the curvature of the driveway at about 600 feet into the site and it then curves towards Fresh Creek and along the slope and up into the open fields, which is high on the ridge. That extension will be about 1,225 feet long. The entire cul-de-sac from Gulf Road to the throat of the cul-de-sac is about 1,825 feet. They will be widening the pavement at the entrance for the first 100 feet to 24 feet and then taper down to a 20 ft. wide pavement for the rest of the driveway. They received a letter from DOT stating that the additional 8 homes are permitted as an amendment to the existing driveway permit. NHDES will have to issue subdivision approval. Based on the conditions of the soil, this 58 ½ acres would allow for 92 units of housing. The roadway alignment passes by the well that services the cottage and the barn. That well will be discontinued. This development does not have any impact on wetlands. They went to the Conservation Commission for a Conditional Use Permit for 1,379 sq. ft. of 20% slopes. This is a unique and high tax generating project. It will have a private road, no City sewer or City water and an extremely low demand on school services. He said he is very impressed with Mr. Woods and his care in planning and determining the best use for this property. The lots will be placed very discreetly, as to not adversely impact the view from the rivers. He handed out some brochures and then went over the contents. He read a letter from Daniel Gabriel in support of the project.

Linda Merullo asked if the existing trees will remain.

Dana Lynch stated that most of them will be staying. The houses on lots 7 and 8 are in the wooded area. He said that these houses have restrictions on how many trees can be removed. These lots are valuable because they are private and that level of privacy will be maintained.

Dean Trefethen asked if they would have any objections to placing a restriction that there be no further subdivision on Lot 10. He asked the width of the right-of-way, and why they are not having a wider paved street.

Dana Lynch said that there is no prohibition on lot 10. Regarding a restriction of no further subdivision on lot 10, they would need to talk about it in more detail. The right-of-way is 50 feet wide. The street is not wider because they are trying to stay away from large amounts of pavement that would impact drainage and narrower pavements are more aesthetically pleasing. A narrower street keeps traffic slow and quiet. A previous subdivision, approved 2 years ago on the other side of this property, has a 20 foot pavement width that is working very well. It creates a more private appearance to the area. ASHTO has published guidelines with regard to low volume roadways such as this and this 20 foot request exceeds their recommendations of 18 feet. The road is 24 feet, shoulder to shoulder.



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, September 11, 2007**
Meeting Time: **7:00 pm**

Tony McManus asked if the dock on the property would be a common dock.

Dana Lynch said the dock is located on Lot 8 and is used by Mr. Woods. He said that the homeowners would apply for their own docks.

Frank Torr made the motion to accept the application.

Ron Stock seconded.

VOTE U/A

The public hearing was opened.

Tony McManus explained that the public hearing will be recessed, the item will be tabled, and a site walk will be scheduled where anyone interested will be welcomed to the site walk.

David Bamford, 296 Gulf Road, lives directly across the street from this subdivision. He said that Steve Woods has an eye for architecture and the environment. He supports this subdivision.

The public hearing was recessed.

Steve Bird said it would be helpful to look at the roadway on Wisteria Lane at the time of the site walk to see what a 20' road looks like. The future use of Lot 10 is a topic that needs to be discussed further. They will require homeowner documents for the open space. Because it is an open space subdivision, in addition to the 100' buffer along the rivers and Gulf Road, the plan should show a 50' no disturb buffer on all the other perimeters of the property. A street name that is acceptable for 911 purposes is being discussed. There are 3 or 4 waivers that the Board will need to make decisions on. There is a letter from Civilworks outlining the waivers and explaining the applicant's justification for each one.

Frank Torr commented when the Board talks about lot 10, it needs to keep in mind that property rights should be considered.

Steve Bird asked that the center line be staked before the site walk.

The site walk was scheduled for Saturday, September 15, at 9:00 am. Drive down the existing drive and park at the barn. Tony McManus asked that the corners of the front lots be staked.

4. Consideration and acceptance of a site plan of land for the Temple Associates, Assessor's Map 2, Lot 14, zoned B-2, located at 90 Washington St.*(P06-03)(15 units)



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, September 11, 2007**
Meeting Time: **7:00 pm**

Steve Bird gave some background on the application. It was previously approved on Aug. 22, 2006. The applicant never complied with the conditions of approval and never requested an extension of the 90 days; therefore the applicant had to reapply for approval of the project. It is the same plan as the previous plan. The issue is parking.

Samir Kahnna represented Temple Associates. He said because of inexperience in the process, they failed to file for an extension. Nothing has changed in their design. They have 15 units, 10 one bedroom and studio units and 5 two bedroom units. The main issue is parking. Last year they spoke to several City and private landowner members, ending in asking the City for 30 spaces. Sergeant Speidel agreed that they have 30 spaces available. Because they were not ready for construction at that time, they did not sign a lease. About two months ago they had another discussion with Sergeant Speidel, who told them that the City Council would have to vote on the approval of the lease. They were informed of the meeting to attend and due to some miscommunication, they were not present. The Council assumed that they had not spoken to any landowners and voted the proposal down. In the meantime, the spaces were leased out to another business. They don't have the 30 spaces and they are asking the Board to reduce the number of parking spaces required. They feel this is justified because of the location of the building and the high number of parking spaces being required. They found in their own studies with their other properties, that one space for one bedroom and studio apartments is all that is necessary. Apartment dwellers need their space after work hours and before work, which coincides with the City's lots. There is a parking lot next to the Temple property that is free and they feel that it should be able to provide parking there. They would encourage the non-use of vehicles and require that tenant not have more than one car. The Dover transportation system will allow people to use the train, bus system, C&J Trailways, and COAST, which would reduce the burden of having to provide two spaces.

Ron Stock asked if the number of parking spaces take guests into consideration.

Samir Kahnna stated that the one bedroom and studios would need one space. It does not take guests into consideration.

Steve Bird said this is the first time that the staff has heard that they are requesting a reduction of parking spaces. That can only be heard if the applicant applies for a Conditional Use Permit that is part of the public notice.

Samir Kahnna said that they will be applying for a Conditional Use Permit. He asked if this could be approved, putting the parking requirement aside, with that contingency.

Steve Bird said that the original approval stated that 30 spaces had to be provided and the lease has to have a 5 year duration with a renewal provision. They were ready to recommend approval until the request for the reduction of parking spaces.



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, September 11, 2007**
Meeting Time: **7:00 pm**

Radley Kahnna asked if the Board would consider a lower number of parking spaces.

Steve Bird reiterated that the Board can't waive the parking space number unless a Conditional Use Permit is applied. He said a lease agreement for 15 spaces, with the justification should be part of their application.

Radley Kahnna asked that the application be approved subject to the conditions of getting a lease and the reduction of spaces so that they will not have to go through this process again.

Tony McManus explained that he can go forward on the basis of what he asked for, subject to a lease agreement for 30 spaces. The second option is that this application be tabled and an application for a waiver for fewer than 30 spaces be applied for. This would be heard at a subsequent meeting and discussed on that basis.

Samir Kahnna asked that this be tabled.

A discussion ensued with regard to the history of this application.

Marcia Colbath felt that the parking issue is a serious one. She stated that she voted against this application. She said that parking is a requirement of a residential development. It comes at a cost but it is a necessity for a viable project. Before she could vote for this, they must prove that they are providing adequate parking and won't be impacting an already congested area.

Samir Kahnna said that they tried for two years to find alternative spaces without asking the City for spaces. The City ordinance is trying to encourage downtown housing. They recognize the need for some parking; however they do feel that 30 spaces is too much and doesn't agree with the parking demands of actual dwellers of downtown residential.

Frank Torr made the motion to table.

John Swartzendruber seconded.

VOTE U/A

5. Consideration and acceptance of a Conditional Use Permit for St. Thomas Aquinas High School, (Owner: Roman Catholic Bishop of Manchester), Assessor's Map L, Lots 15-1, 15-2 & 15A, zoned R-20, located on Dover Point Road.*(P07-44)

Jen Viarengo, Appledore Engineering, represented the applicant and stated that they need a change to a Conditional Use Permit. She passed out a color map of the area that depicted the approved north parking lot. She explained that due to discussions with St. Ann's, what has happened is that the parking lot needs to be shifted to the west. St. Ann's requested that they



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, September 11, 2007**
Meeting Time: **7:00 pm**

keep a 60 foot distance between the edge of the parking lot and a potential future addition that they may do sometime down the road. This will affect a bit of the grading and the disturbance of the Conservation District and that is why they are back before the Board.

Jen Viarengo said that the application has been filed with the State for the wetlands disturbance. The wetland impact to the north, on the side of the parking area, is due to the grading and the stormwater management.

Dean Trefethen stated that they were under the impression the construction would occur this summer. He was concerned with the construction while school was in session and if it would take away some of the parking spaces.

Jeff Quinn, Principal of St. Thomas, explained that there would only be a modest impact in only one area. They have ample parking and will make accommodations at that time. It would simply be this lot. The other construction would wait until next summer.

Linda Merullo made the motion to accept the application.

Frank Torr seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Bird gave the recommended conditions of approval. He said that this was a fairly drastic impact to the traffic flow to the entire site. He is looking for commitment that it will be the only construction done. He was concerned with the construction vehicle traffic.

Jeff Quinn asked if the City is asking that they do this at the time that school is out. They can open up the grass area to the south for parking. He assured the Board that he would not do anything to jeopardize the students. He asked that they trust his judgment.

Linda Merullo asked for the time frame of the project.

Jeff Quinn answered that he was not sure.

Kirt Schuman asked if they would use pervious surface on the site.

Jen Viarango stated that they are using pervious surface at their office building as a test. Whatever they do is their liability and she can't stand there and say that it would last 20 years.



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, September 11, 2007**
Meeting Time: **7:00 pm**

Kirt Schuman stated that he wanted to encourage pervious surface.

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

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Wetlands Permit.
2. The conservation Commission recommends that the applicant consider using pervious pavement.

Kirt Schuman seconded.

VOTE U/A

6. Consideration and acceptance of a minor subdivision of land for the City of Dover, (Owner: Liberty Mutual), Assessor's Map E, Lot 24, zoned ETP, located on Sixth Street as per RSA 674:54.*(P07-46)(1 lot)

Kirt Schuman and John Swartzendruber recused themselves as they are employed by Liberty.

Richard Driscoll represented Kevin McEneaney for this application. He explained that the property was donated by Liberty Mutual and that it is on Sixth St. and directly across from Glenwood Avenue.

Marcia Colbath stated they went before the Conservation Commission and the plan was endorsed.

Ron Stock made the motion to accept the application.

Linda Merullo seconded.

VOTE U/A

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 the owner's signatures to the plat.
2. Provide the Planning Department with a digital version of the plat.

Marcia Colbath seconded.

VOTE U/A

Kirt Schuman and John Swartzendruber took their seats on the Board.



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, September 11, 2007**
Meeting Time: **7:00 pm**

7. Old Business

a. Discussion and possible vote on a site plan of land for the City of Dover, North End Fire Station, located on Sixth Street. (P07-47)

Dean Trefethen made the motion to take this item off the table.

Linda Merullo seconded.

VOTE U/A

Richard Driscoll stated that a site walk was held last week and a neighborhood meeting was held at Horne St. School. They received an endorsement from the Conservation Commission.

Jen Viarango explained the three recommendations were as follows:

1. Evaluate moving detention basin discharge so it is not emptying directly on Liberty Mutual property.
2. Evaluate and, if appropriate, plant wetlands vegetation in the detention basin so invasive species do not take over.
3. Manage soils excavated during construction so that existing invasive species do not become a problem.

The public hearing was opened.

There are no comments.

The public hearing was closed.

Steve Bird gave the conditions of approval, adding the Conservation Commission recommendations.

Dean Trefethen stated he has heard comments from a few people saying they are not opposed to this, but questioned why the City did not get more land to put the Police building there also. He said there are a lot of wetlands on the parcel and it is easy to see why they gave it to the City. He added that receiving the land is to the City's advantage, but it is to Liberty's advantage also.

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

1. Add the owners' signatures to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. The Conservation Commission recommendations as follows:
 1. Evaluate moving detention basin discharge so it is not emptying directly on Liberty Mutual property.
 2. Evaluate and, if appropriate, plant wetlands vegetation in the detention basin so invasive species do not take over.



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, September 11, 2007**
Meeting Time: **7:00 pm**

3. Manage soils excavated during construction so that existing invasive species do not become a problem.

John Swartzendruber seconded.

VOTE U/A

- b. Discussion and possible vote on posting rezoning of premises located on the westerly side of Locust St., Northeasterly of Rutland Street and on the southerly side of Fisher St., from I-1, (Restricted Industrial District) to B-5 (Rural Commercial/Retail District) and Lot 15-62, formerly I-1, rezoned to RM-8 (High-Density Multi-residential District)**

Tony McManus stated this item was previously before the Board.

Steve Bird explained that there is a new petition in the packets. He said that this petition reflects the changes discussed previously. An enclosed letter from Malcolm McNeill neglected to mention the proposed R-12 zone to be rezoned to B-5 so that the entire southerly area will be zoned B-5. He explained that a rezoning requires a public hearing with a requirement of a 15 day notice period, prior to the public hearing.

Frank Torr asked why a portion of the Children's Home lot is going from a RM-10 to an RM-8.

Steve Bird explained that whenever possible, the zoning line should match the property line.

Chad Kageleiry explained it is his intent that there would be no vehicular access in the railroad bed. He explained that the public walkway would go through the railroad bed.

Dean Trefethen made the motion to refer this rezoning to a public hearing on October 9, 2007
Kirt Schuman seconded.

VOTE U/A

8. New Business

Steve Bird stated that two letters from Tritech Engineering requesting extensions were enclosed. One is for the Site Development Plans & Conditional Use Application for the Village at Thornwood Commons, which is the residential portion.

Linda Merullo made the motion the grant the 90 day extension.

Frank Torr seconded.

VOTE U/A



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, September 11, 2007**
Meeting Time: **7:00 pm**

Steve Bird stated that the other request is for an extension for the Overall Plan & Conditional Use Application for Elliott Rose Company of Dover, Inc. and Thornwood Holdings, which is for the overall mixed use.

Frank Torr made the motion to grant a 90 day extension of approval.
Linda Merullo seconded.

VOTE U/A

Steve Bird stated that there will be a walkthrough of the new Liberty Mutual building on Saturday, September 29, 2007 and they were trying to find out if anyone was interested and if it was a good date.

The Board agreed it was a good date. There would be members attending.

9. Committee Reports

10. Adjournment

Dean Trefethen made the motion to adjourn.
John Swartzendruber seconded.

VOTE U/A