



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, January 8, 2008
Meeting Time: 7:00 pm

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

MEMBERS ABSENT: None

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

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

1. Election of Officers

Chairman Cole opened the nominations for Chairman.

Dean Trefethen nominated Ronald Cole for Chairman.
Marcia Colbath seconded.

VOTE U/A

Frank Torr motioned that the nominations be ceased.
Doug Steele seconded.

VOTE U/A

All in favor of Ron Cole for Chairman.

VOTE U/A

Chairman Cole opened the nominations for vice chair.

Ron Cole nominated Tony McManus for Vice Chair.
Dean Trefethen seconded.

VOTE U/A

Frank Torr motioned that the nominations be ceased. .
Perry Plummer seconded.

VOTE U/A

All in favor for Tony McManus for Vice Chair.

VOTE U/A

2. Citizens' Forum



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There were no speakers.

3. Approval of minutes

Tony McManus made the motion to approve the minutes.

Dean Trefethen seconded.

VOTE U/A

Abstained – Donald Andolina

3. New Business

- a. **Consideration and acceptance of a lot line adjustment of land for Daniel & Jacqueline Ayer Rev. Trust, Assessor's Map N, Lots 18-3 & 18, zoned R-40, located off McKone Lane.* (P07-62)**

Dwayne Hyde, NH Chapter of the Nature Conservancy, Director of Land Protection. He explained the lot line adjustment and pointed out the lot containing the Ayer house. The Ayers will retain ownership of the parcel containing their home and transfer the two lots to the Nature Conservancy. Mr. Hyde explained that he was before the Board a few months ago transferring the Martineau tract from the Nature Conservancy to the NH Fish and Game. The 13.19 acre parcel they will acquire will be transferred to NH Fish and Game. They are working with the City of Dover Open Lands Committee requesting funding assistance for this project. This land will connect to an adjoining 80 acres conserved on the Cochecho River.

Ron Cole asked what the restrictions are on the land.

Dwayne Hyde stated that this is part of a larger partnership that works here in Great Bay, where they protect close to 5,000 acres around Great Bay. The Nature Conservancy acts as the acquisition agent for the partnership. Sometimes they hold on and maintain those properties and other times they transfer ownership to other agencies like NH Fish and Game. When they do make those transfers, they put restrictions on the property to ensure that the land stays in conservation and open space uses.

Ron Cole said there were plans for the river walk that would eventually run along the river and come to the top of the hill. He asked if there was potential for something like that.

Mr. Hyde answered that he went on a site walk with the Open Lands Committee on Saturday and some of the members were asking about that. At this point, they are open to discussion. The lands are open to the public for pedestrian uses. Developing trails are decisions they make. The work they do is primarily habitat based and ecologically based. That is why they are protecting the property. Outdoor recreational uses are a secondary goal of the partnership. They look at



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constructing actual physical trails with regard to the actual impact on the resource. They are in the midst of building a four mile trail in Newmarket and Durham.

Tony McManus asked if the land would have direct contact with the Martineau property.

Dwayne Hyde stated that they will be acquiring the two lots and there will be access.

Tony McManus stated that this is an ongoing project and the Open Lands have put a lot of work into this but the property owners need to be congratulated also.

Donald Andolina made the motion to accept the application.

John Swartzendruber seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing

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

1. Add the owners' signatures to the plat.
2. Add the surveyor's signature to the plat.
3. Provide the Planning Department with a digital version of the plat.
4. The total number of dwelling units permitted on Map N, Lot 18 and Map N, Lot 19 shall not exceed seventeen.

Perry Plummer seconded.

VOTE U/A

b. Consideration and acceptance of a Conditional Use Permit for Real Estate Advisors, Inc., Assessor's Map L, Lot 43A, zoned R-20, located at 165 Spur Road.*(P07-59)

Sergio Bonilla of NHFC, stated that there is a limit amount of impact. He said that they will be reducing the square footage of impervious area on the lot by 8 sq. ft. They did a site walk with the Conservation Commission in December and they endorsed the project with a few recommendations that are addressed in the handouts. There are measures to be taken before construction and measures to be taken after construction. The areas that are exposed now will be stabilized completely with wildlife conservation seed mix. Some additional plantings will be supplemented in the limited disturbance around elevation 92. He spoke on the buffering of areas of runoff on the site. The issuance of the permit will make a more conforming structure than what is there now and will clean up the area completely.



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Frank Torr made the motion to accept the application.

Doug Steele seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Christopher Parker stated he wanted to clarify the 3rd line of the narrative that states that there would be a demolition of the building. There will not be a demolition of the building because doing so would make the building non-conforming and they would have to go to the Zoning Board to place a building on the existing foundation. What will be done is that the existing sheathing and plywood and the cedar shakes would remain. The roof shingles will come off but they will not be altering the existing non-conforming structure as this building would no be allowed to be rebuilt as it is.

Sergio Bonilla said that he mentioned renovation and spoke with Tom Clark who told him to be sure to clarify that this is not a demolition but it is a renovation.

Chris Parker said that they appeared before the Conservation Commission on December 3, 2007 and received a favorable recommendation. He then read the recommended conditions of approval.

Tony McManus asked what the permanent impact is if there is no demolition and it will be the same footprint.

Christopher Parker explained that the porch addition is on the second sheet of the plan.

Sergio Bonilla explained that they will relocate the old porch and replace it 6 feet away. They will remove an overhang to the northerly portion of the project and a smaller porch area will replace a handicap walkway.

Donald Andolina 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 applicant shall implement the erosion and sediment control plan as soon as possible, weather permitting, to stabilize the site during construction.
3. The applicant shall consider planting ecologically sensitive landscaping to protect water quality after reconstruction.



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Frank Torr seconded and added that anyone who lives near this property or travels on Spur Rd will be very pleased with what happens.

VOTE U/A

c. Consideration and acceptance of a Conditional Use Permit for Pactum Factum, LLC, (Owner: New Redden Gardens Development Co. Limited Partnership) Assessor's Map I, Lot 20A-6, zoned RM-20, located on Sylvan Drive.*(P07-61)

Rob McSorley, Sebago Technics, Inc. stated that they have been working with the owners for several months to solve several drainage problems. Built back in the mid 70's, many of the common areas and buildings were built below the roadways and parking areas, therefore there are low areas that collect water. He said that one area requires them to daylight the drainage out into the Conservation District adjacent to the brook as is detailed in the packets. They have discussed this project with NHDES to make sure they were in full compliance. They are outside their jurisdictional area and NHDES would not look at the project as far as alteration and terrain, because it did not meet the threshold. They discussed the project with the City Engineering Department and they have made some modifications. They went before the Conservation Commission and they supported this application.

Marcia Colbath 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.

Christopher Parker stated that it is a great application and gave the recommended conditions of approval.

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

1. The applicant shall submit a site specific soil erosion and sedimentation control plan for approval by the Planning Department prior to commencing any work in the Conservation District.
2. The applicant shall submit a digital as-built to the engineering department following construction.

Donald Andolina seconded.

VOTE U/A



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d. Consideration and acceptance of a Conditional Use Permit for Steven Ricker-NHSC, Inc. Environmental Consultants, (Owner: Janice Reilly) Assessor's Map L, Lot 21, zoned R-20, located at 103 Spur Rd. (P07-63)

Steve Ricker, NH Soils Consultants, stated that the owner Janice Reilly is also present. They went before the Conservation Commission on November 3rd before they formally prepared the State application. On December 1st, 2007, they had a site walk. The NHDES Application was presented to the Commission on December 3rd and it was endorsed and approved on January 6, 2008. The gently sloping site is located on Spur Rd. He classified the wetlands, which are depicted on the plan, as well as the 50 ft. Wetland Protection District and the 100 ft. Conservation District Boundary. They propose to relocate a garage and a deck within the City's Conservation District and the Wetlands Protection District. They will remove the existing 555 sq. ft. garage and a 210 sq. ft. shed that lies within the Wetland Protection District. They will remove 2,116 sq. ft. of asphalt, making this site asphalt free. The landowner has decided to construct a driveway out of permeable eco pavers and as a result, the proposed project will have a net loss of 1,591 sq. ft. of impervious surface on the site. The removal of the shed and asphalt will greatly improve the environmental conditions on the site. It is sufficient mitigation for partially relocating the garage within the protected district. The removal of the shed and the asphalt and the reconstruction of the driveway are actions that are not required at the City level. They felt these actions would be environmentally friendly and the right thing to do. The driveway and the walkway that raps around the garage will cost between \$5,500 and \$12,200. The file contains brochures depicting the pavers. The cost doesn't include the separation fabric underneath the pavers, the layer of crushed stone underneath the pavers or the desired top dressing. The project is also in compliance with any current shoreland protection standards which are included in the packet and in compliance with proposed CSPA revisions that are going into effect on April 1. By removing the structure and asphalt within the Wetlands Protection District it reduces the amount of impervious surface on the site and the permeable driveway will protect the wetland resources.

Linda Merullo was concerned with the temporary impact of the wetlands. She asked what the impact would be, how long it would impact the wetlands, including the cleaning up, and where the asphalt would go.

Mr. Ricker stated there are no temp impacts to wetlands, only to the developed tidal buffer zones. He assumes that the asphalt would be taken off the site and would not be deposited on the site.

Frank Torr made the motion to accept the application.
Perry Plummer seconded.



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Dean Trefethen added that this type of pavers has been used at the office building where he works. He said that it has been traversed by fire trucks and there has been no settling. He said this is a good way to go for a driveway.

Tony McManus asked what would happen if it didn't work for whatever reason in this location and if they would they have to come back before the Board to request the installation of an asphalt driveway?

Chris Parker said they would want them to come back before the Board because it is presented as part of the plan. The assumption is that one of the reasons that the Board would look favorably on it is the inclusion of the eco pavers.

Tony McManus asked if there should be a condition in the approval in the event that the owner would want to pave this area.

Chris Parker said if the Board wants to add it, he wouldn't have a problem.

Chris Parker said his opinion is if you approve it and it has been represented that the pavers be used and if they cannot be used, in his opinion it has to come back before the Board.

VOTE U/A

The public hearing was opened.

There were no speakers.

The public hearing was closed.

Christopher Parker gave the recommended conditions of approval.

Tony McManus 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 applicant shall consider planting non-lawn alternatives when landscaping around the rebuilt house and garage to reduce potential runoff impacts on the Bellamy River.
3. The applicant shall revise the plan to include a locus map.
4. The applicant shall utilize the proposed eco-pavers shown on the plan. Should such pavers not be feasible, the applicant shall return to the Board with for an alternative.

Dean Trefethen seconded.

VOTE U/A

5. Old Business



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None

6 Committee Reports

None

7. Staff Comments

Christopher Parker indicated that the packets contain a copy of the most recent lawsuit against the City for approving the Dover Point Properties project. He complied with a line by line rebuttal on this lawsuit, as well as the Hobbs case, at the request of the City Attorney. The Board will get copies after the City Attorney reviews and revises the document. This is due to go to court in the early part of 2008. He will keep the board apprised.

Christopher Parker announced that on April 1, 2008, the Shoreland Protection Zone will change. At this point staff is looking at all plans that come in and evaluating it to see if construction would start before April 1st or not. If construction does not begin before April 1st or we don't believe that it would, we will be requiring plans to conform to the April 1st regulations. There is no grandfathering provision. He said he is looking at the applicant in this case because he doesn't want someone to get going and not be able to comply with their approved plans because the regulations have changed.

Christopher Parker said the CIP document is being finalized at this point and he would be getting copies to the Board later this week. He said that the City Manager is proposing a joint workshop next Wednesday, January 16, 2008, between the Council and the Planning Board to go over recommendations in the CIP. He believed it would be at 7:00 p.m.

Marcia Colbath stated that Tom Fargo mentioned a workshop on the Shoreland Protection changes.

Christopher Parker said that Tom Fargo is working with Strafford Regional Planning on putting together a local presentation on those changes. He said he would let everyone know when that is finalized. Steve Bird went to on a presentation in Concord that the State did on it and Tom Clark will be going to the next one.

8. Adjournment

Dean Trefethen made the motion to adjourn at 7:45 p.m.

Tony McManus seconded.

VOTE U/A