

CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, March 11, 2008
Meeting Time: 7:00 pm

REGULAR MEMBERS PRESENT: Ron Cole, Marcia Colbath, Dean Trefethen, Frank Torr, Donald Andolina, Tony McManus, John Swartzendruber, Doug Steele, Perry Plummer

ALTERNATE MEMBERS PRESENT: Linda Merullo, Kirt Schuman, Ron Stock

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

Chairman Ron Cole brought the meeting to order at 7:05 pm.

1. Citizens' Forum

There were no speakers

2. Approval of minutes of the minutes of February 26, 2008.

Frank Torr made the motion to approve the minutes.
Perry Plummer seconded.

Kirt Schuman indicated that he voted in opposition on Item 4. Old Business, lot line adjustment for Doug Dodd and it was not reflected in the minutes. (P08-01)

Tony McManus noted a typo on page 11.

VOTE U/A

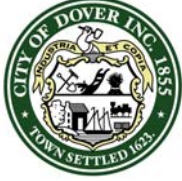
Chairman Cole stated there would be a couple of changes on the agenda. The public information session by Norm Fracassa on the Recreational Master Plan took place during the workshop.

A. Consideration and acceptance of a minor lot line adjustment of land for Summit Land Development (Owner: Double Diamond Holdings North, LLC & Double Diamond Holdings South, LLC) Assessor's Map 15, Lot 21,22, 23, 40A & 53, zoned R-12, I-1 & O, located on Central Avenue, Locust Street and Fisher Street.*(P08-12)

Chad Kageleiry explained that they are taking 5 parcels and consolidating them to create 2 parcels. They are basically cleaning up the boundaries.

John Swartzendruber made the motion to take this item off the table.
Donald Andolina seconded.

VOTE U/A



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Frank Torr made the motion to accept.

Doug Steele seconded.

VOTE U/A

Chris Parker stated while the description included the Office zone, the lots that are going to be combined are not in the Office zone. Lot 15-21 and 15-40 border the office zone. This does not include the parking lot across Locust Street, which is fully in the Office zone.

Chad Kageleiry indicated that the land was all zoned Industrial.

The public hearing was opened.

Bill McCann, 20 Fisher Street, stated his concern is to clarify that this will not change any of the regulations concerning access to the property for commercial or industrial use onto Fisher Street.

Chris Parker explained when the site plan comes through it will be reviewed as it pertains to the Site Review Regulations.

Bill McCann asked if there was a pending site plan involving the Moore Business Forms building.

Chris Parker said that there is a plan that has gone to TRC but it is not ready for Planning Board.

The public hearing was closed.

Chris Parker said that the Planning Department recommends approval with the following conditions:

1. Add the owners' signatures to the plat.
2. Add the surveyor's stamp and signature to the plat.
3. Provide the Planning Department with a digital version of the plat.
4. The applicant shall revise the plat to accurately depict the location and length of the northernmost driveway on both sheets.

Kirt Schuman asked if there was something that could be done to be more pro active to secure the trail access just by chance that the site plan flounders as the trail begins to get built out.

Chris Parker said should that be the case, his experience with the applicant has been very cordial and cooperative on delineating where the walk would be. He doesn't see any roadblocks. Both sides have been open about acknowledging the desire for the trail.

Frank Torr asked if the plan should show the location of the trail in the railroad bed.



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Chris Parker said they want to leave that delineation to the site plan so they can work with the applicant for the most appropriate location of the trail. He felt that it would be mostly on the rail bed but wants to keep the flexibility.

Doug Steele made the motion to approve with the staff recommendations.
John Swartzendruber seconded.

VOTE U/A

B. Consideration and acceptance of a site plan of land and Conditional Use Permit for Summit Land Development, (Owners: John & Mary Ann Reid) Assessor's Map 5, Lots 11 & 16, zoned B-2, located at 538 Central Ave. & 5 Fifth Street.*(P08-10)

Tony McManus explained that the present owners of the property are cousins, several times removed. Several months ago they called him and asked him some questions relating to the sale of the property. At that time he did not know what the development was going to be. He doesn't think that this affects his vote one way or the other. If somebody feels that it is an issue he can step down.

Chad Kageleiry stated that this project has been through TRC. There are 3 buildings on 2 lots. They hope to demolish the buildings comprising of 6 residential and 3 commercial units and build a single structure. The proposed structure comprises of 8 residential units and 2 commercial units and will look considerably better than what is there now.

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

VOTE U/A

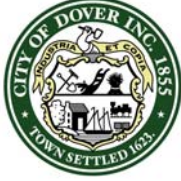
The public hearing was opened.

Sean Fitzgerald, 33 Baldwin Way, represented Centrix Bank who will be the primary tenant in the building. He asked for the support of the Planning Board so they can continue doing business in downtown Dover.

The public hearing was closed.

Chris Parker explained that this went to TRC on February 21, 2008. The applicant applied for a Conditional Use Permit for reduced parking spaces, per Chapter 170-44-I. The Planning staff recommends that the application be accepted, the public hearing be opened and recessed and a site walk be scheduled.

The site walk was scheduled for 9:00 a.m. on Saturday, March 15, 2008.



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Tony McManus asked if there had been any thought of underground parking.

Chris Parker stated that they didn't see the need based upon the user rate. They felt that the surface lot would be adequate and there is also on-street parking.

Donald Andolina asked how many parking spaces were being provided.

Chris Parker said they are providing 12 at the site and per the Conditional Use, they are looking at shared parking. They are utilizing reduced rates on the residential, based on the bedroom size.

John Swartzendruber made the motion to table.

Donald Andolina seconded.

VOTE U/A

C. Consideration and acceptance of a site plan of land and Conditional Use Permit for D.F. Richard Energy, (Owners: NRBA Realty, Inc.) Assessor's Map 26, Lot 12, zoned B-3 & I-1, located at 81 Broadway.*(P08-07)

Dana Lynch, Civilworks, stated that the proposal is straight forward and the intent is to get their entire operation at one location. He pointed out the 20% slope as the Conditional Use area. The new office building will be set into the slope. The building footprint is 5,320 sq. ft. They are proposing 10,600 of office space. The total parking requirement for the building is 46 parking spaces and they are proposing 56 spaces.

There was some discussion on the drainage issues on Broadway. Doug Steel assured the Board that there has been extensive drainage work done on Broadway four years ago and that area is in good shape. He said that he was quite comfortable with this application.

Frank Torr made the motion to accept the application.

Perry Plummer seconded.

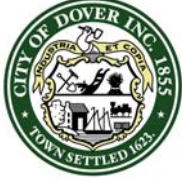
VOTE U/A

The public hearing was opened.

Tom Backowies, stated that he owns property close to this site. He asked if there is a new entrance and was concerned with the drainage. He was also concerned with the amount of cars entering the site.

Dana Lynch stated that the drainage goes directly from this site into the Broadway system.

Doug Steele explained the path of the drainage.



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Dana Lynch explained that there will be parking for 56 cars. The gravel area will be where the parking will be located.

Tom Backowies said that they are going from 10 to 55 cars. It seems like a lot of traffic.

Dana Lynch said that DF Richard has been in this location for 76 years. There will be vehicular traffic but it is zoned business and industrial and it is an allowed use in that zone.

Ron Cole explained that they are basically shifting cars from one place location to another.

Tom Backowies asked if there would be a need for a traffic light.

Dana Lynch stated there was not.

The public hearing was closed.

Chris Parker stated this appeared before the TRC on February 14, 2008 and before the Conservation Commission on February 4, 2008. The Planning Department recommends that the Board accept the application, the public hearing be opened and then recessed. He suggested a joint site walk with the Conservation Commission.

The Site Walk was scheduled for 9:30 a.m. on Saturday, March 15, 2008.

Tony McManus asked the height of the building.

Dana Lynch stated it would be a 2 ½ story building. The building will be 2 ½ stories in the front and on the back it will show 1 ½ stories. Dana stated that the Goss Building is significantly higher and there are a number of 2 ½ story houses and a 3 story house on the Street. He said that the Conditional Use Permit was endorsed by the Conservation Commission.

Perry Plummer stated that height from the lowest part to the ridgeline the building is 33 feet.

Perry Plummer made the motion to table.

Marcia Colbath seconded.

VOTE U/A

D. Consideration and acceptance of a site plan of land and Conditional Use Permit for SGI Realty, LLC (Seacoast Geriatrics), (Owners: Strafford Trust) Assessor's Map E, Lot 32-4, zoned ETP, located at Watson Road/County Farm Road.* (P08-08)

Tony McManus stated that he had a conflict and stepped down.



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Kirt Schuman sat in Tony's seat.

Dana Lynch, with Civilworks, explained that the site is 13.88 acres on Watson and County Farm Roads. It is located in the ETP Zone. A Variance was granted for this use on September 20, 2007 to allow 60 units of Congregate Care. They are bringing in Phase I, which is 30 units. This is for Phase I only. He explained that there is another phase to this plan. The reason for doing that is that they want to apply for all of the permits needed at the State level. A challenge of the site is the wetlands and situating a building of one floor, similar to Bellamy Fields, in a pleasant location so the residents will feel part of the surrounding field area. They had to deal with avoidance of the wetlands and to compound that, there were wetlands buffers. About 47% of the lot is occupied by wetlands and wetland buffers. They met twice with the Conservation Commission and they were able to reduce their wetlands impact. He said of that 5,250 sq ft. of wetlands impact, one half is a temporary impact resulting from the construction of a sewer. The site is accessed via a driveway on Watson Road. Parking calculations work out to be about 25 spaces and they are proposing 48 parking spaces. Their experience is that on holidays and occasional weekends there are unusual numbers of visitors. They have placed 18 foot light poles around the parking area. Coming in the front driveway they are proposing lights in keeping with the Cat Doctor's and Measured Progress' driveways. They have set their parking away from the only residence in the area. They have supplemented an area with pine trees as part of their landscaping plan. They have been able to reduce the runoff impact from this site. Given the size of the building it is a low impact project. It is a perfect location.

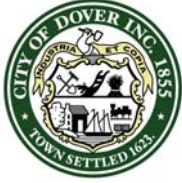
Discussion ensued about the traffic and the parking.

John Hopkins, owner and developer, explained, at their other facility, they encouraged people to go down to Portsmouth Christian Academy for parking. They had people parking on the street on Garrison Road for the party days. In this case, he has already talked to Greg Walker about being able to use his new medical building for shuttle parking. Watson Road is so much more dangerous.

Chris Parker added that the NH Park n' Ride will be on the opposite corner of the new office building where there will be 400 spaces that could be utilized to shuttle from.

Dean Trefethen asked if some of the lights could be shorter to cut down on the amount of light that goes up into the sky.

Dana Lynch stated there will be no glare from these fixtures. They will be identical lights as Bellamy Fields. He said that they didn't want to go any higher than 18 feet. You either have the 18 foot lights or if you lower them to 14 foot, you then have more of them. There is a lot of light out there now from the old Measured Progress parking lot.



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Linda Merullo stated that she did attend the TRC meeting for this project. The only question she has is that the driveway going to the new building is impacting the wetland buffer. She asked if the driveway would be constructed now. She is assuming that if there is no building the impact will not happen yet.

Dana Lynch pointed to the driveway that Linda was talking about. The question at TRC was why couldn't we somehow go around the building and come out at another location. He explained how it was needed for any large trucks to turn around. He stated that drainage and wetlands are usually in the low point so all your detention basins and treatment facilities end up in a wetland buffer. If you were going to shift that over, you would end up with a slightly larger impact to the wetland. They would like to leave the drive there to create a one-way pattern through the site. Their NH Dredge & Fill Application includes that crossing and they would plan on implementing that crossing as part of the Phase I work because of the drainage containment and treatment of runoff.

Dean Trefethen made the motion to accept the application.

Perry Plummer seconded.

VOTE U/A

Joseph Dubois, from South Berwick, stated that his mother was a resident at Bellamy Fields. He spoke on how they searched the Seacoast area for a place for his mother where she could receive some assisted living. They chose Bellamy Fields. She moved there in November of 2006, was diagnosed with terminal cancer and given about 6 months to live. Because she qualified for hospice care she was allowed to stay at Bellamy fields with a waiver, otherwise they would have had to move her to another facility in her final days. She stayed at Bellamy Field for 12 months, not 6. They feel that the additional 6 months that his mother and his family enjoyed together is attributable to the outstanding facility and staff at the facility. The proposed new Bellamy Fields will have special facilities and staff to allow residents stay right to the end of life. He heartily urged the approval of this site plan.

John McDonald, 17 Tension Avenue, stated that his mother and dad both live at Bellamy Fields. This facility will be an asset to the City of Dover and the people who are going to use it.

The site walk was set for Saturday, March 15, 2008 at 10:15 a.m. Parking will be at Civilworks.

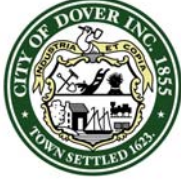
Marcia Colbath stated her concerns are they are getting to the point of overuse of the lot with the impacts they will have from their proposed expansion. She asked to see some stakes marking the expansion and the retention pond that will be in the buffer.

Chris Parker clarified that they will have to come back for Phase II. It will need site plan approval.

John Swartzendruber made the motion to table.

Donald Andolina seconded.

VOTE U/A



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Ron Cole asked that the corners of the building be flagged.

4. Old Business

Tony McManus took his seat and Kirt Schuman went back to the audience.

Chairman Cole determined that it would be best to take up the CDBG applications before item a. He explained that the Board held a workshop prior to this meeting to review the applications.

b. Discussion and vote on the CDBG Applications.

Perry Plummer stated that he was not able to make the workshop on the CDBG Application and thought it would be appropriate for him to step down.

Kirt Schuman took his seat.

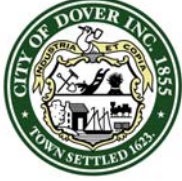
Ron Cole stated that they have the recommendation of the Planning Department. He suggested that \$5,000 of the \$9,300 recommended for AIDS Responses be given to HUB Family Services. He based that on the number of Dover residents that are served by the two organizations. AIDS served 20 Dover residents and HUB served 886. There is a high priority for AIDS and a Medium for HUB Family Services. He explained that the Board gave seed money the HUB and they have done an admirable job over the last 7 or 8 years in educating people on how to raise their children. He said that he would entertain a motion.

Tony McManus motioned to adopt the recommendations of the Planning Department.
Dean Trefethen seconded.

Ron Cole made an amendment to give \$4,300 to AIDS and give \$5,000 to The HUB.
Marcia Colbath seconded.

Discussion ensued on the amendment.

Tony McManus stated that he would oppose that. Looking at last year's disbursement of \$9,300 is less than what the Board gave AIDS in 2007. We are giving them less this year and there are more Dover AIDS patients this year than there were last year. He agrees that The HUB is doing a great job but we are giving them \$14,453 for Capital Expenditure and we've only got so much to parcel out among a lot of agencies that need it. The State money was cut by \$100,000 last year and was supplemented at some point during the year but there is no guarantee that they will do it again this year. The Federal program has been cut and he feels that it is the wrong time to reduce the money to AIDS Response.



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Ron Cole stated that we are seeing the worst of times for this Board because there are no bad programs. It is wonderful that we get an opportunity to allocate money. He explained how the agencies come before the Board to plead their case and how the Board tries to give everybody something.

Tony McManus said that he thought AIDS uses a good portion of that money for rent for their clients to live within the community and received services which are a great savings in terms of medical expenses. If they don't supplement the rent it then comes back to the City to underwrite those costs. He said that we have to balance the impact on the City Budget.

Linda Merullo in trying to be fair she asked about taking only \$1,000 from AIDS, leaving them with \$8,300 and giving HUB \$1,000. If you want to compromise just take \$1,000 from the AIDS and it would give it to The HUB. It would at least give them something.

Ron Cole said that he would accept that. He said that he cannot see not giving them something.

Donald Andolina said that he would like to support the amendment. Although AIDS is very worthwhile he felt that we needed to take care of families first.

Chairman Cole asked for the vote on the amendment as it sits for taking the \$5,000 from AIDS and giving it to The HUB.

VOTE: 5 – 4 Opposed - Kirt Schuman, Tony McManus, Doug Steele, Frank Torr

Chairman Cole asked for the motion to recommend this to the City Council as submitted with the one change.

VOTE U/A

- a. Discussion and possible vote 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 Street. (P06-62)(64 units)**

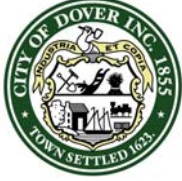
Ron Cole stated that the Board has received, from Orchard Street Realty Investments, a 17 page communication. It is a response to the memo put forth from the Planning Director. He asked Chris Parker when he received it.

Christopher Parker said that it was received yesterday afternoon at 3:30 pm.

Chairman Cole asked the Board when the Board had first seen it.

It was determined that the members had not seen it prior to seeing it on their desks this evening.

Ron Cole stated that he has concerns that if they were to take action this evening, it would not be fair to the applicant. There is a substantial amount of information that the Board has not had the opportunity to review. He paraphrased Councilor Trefethen at the Council Meetings by saying that the Board just received the information



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tonight and you are asking the Board to vote on this tonight. He stated that he didn't feel comfortable voting on this tonight. He said that he knew about this earlier today and he purposely did not review the information so he could put himself in the same position as the rest of the Board. He doesn't feel comfortable taking action and he is not sure it is fair to the applicant. He asked the Board what their feelings were and what action they felt they should take at this point.

Tony McManus said that it is not fair to anyone. It is not fair to the neighborhood people who are represented by council and he's guessing that they have not seen the new information. He did not think it was appropriate to take any action until everyone has a chance to read the new material and compare it to the material that was previously received.

Marcia Colbath stated that this project has been very controversial and that the Board needs time to review all the information in order to make an intelligent, unbiased decision on this project.

Donald Andolina stated that he feels the same way.

Frank Torr said that he takes offence at being given all this at the last minute.

Chris Parker said that he can appreciate where the Board is going with this. He also thinks that it would be fair for the applicant to see the materials that the abutters have put on the desks also. It's the same for both sides. He said that we want to be fair and responsible planners.

Tony McManus asked if they did not act on this tonight, would the Board run afoul of any deadline that would affect this.

Chris Parker said that it would not as the applicant has already waived the 60 days and it is his guess that the applicant wants the most objective and fair response as well.

Discussion ensued with regard to holding a public hearing. It was determined that it should be held at the next meeting.

Ron Cole asked for a show of hands on who wanted to speak at a public hearing. There were several.

Marcia Colbath stated her concern is that without the speakers having the new information that we have that we would be hearing the same thing over again. She would rather have them have access to this information and then have a public hearing.

Frank Torr echoed Marcia's comments. It should be left on the table and set a definite time to have the public hearing.

There was a consensus of the Board that this should stay on the table.



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Atty. Malcolm McNeal felt that the applicant should not be penalized for filing a document. The reason for the document is to explain the comments that he intends to make. In the context of this particular case, they felt it was necessary to respond on a line by line basis to the comments made by the Planning Director. To the best of their knowledge those are the only comments that are adverse to their application. The other documents that were handed out to the Board just reflect the official record of what has gone on and a recitation of various sections of the land use regulations where the word “may” is used as an enabling piece of language with regard to an approval. The Planning Director seems to imply that when the word may is used in the regulations that it does not entitle an approval if you meet the criteria. The last document relates to the representation made by the Planning Director in his correspondence that the Shoreland Protection Act should become a matter in this case. Since his memo, there have been various hearings with regard to this very controversial state statute before the Legislature in terms of establishing a deadline date for projects to be vested. Under the legislation that is now being considered by the House, for which Mr. Garrepy and others have testified, it appears that this project will be exempt because it was accepted by the Board prior to the date that will be utilized for vesting. He is aware that the opposition people that are represented by council have written materials that he has not seen. He is aware that there appears to be something on Mr. Parkers’ desk relating to a submission. He would not like to lose an opportunity to present this case that has not been here for a number of months, due to the fact that the City was in the process of obtaining a Geotechnical expert. Coming here with all of their experts and with everyone else coming ready to testify, the fact that they have put their testimony on paper, as opposed to it coming from his mouth, which it will, he doesn’t feel it is grounds to not proceed. He understands the sentiment going around the room that it is a hot potato. If you go to another hearing and you get more information then it appears to him that you would be in the best position to make an informed judgment. That is the reason they feel they should be allowed to proceed. If you want them to withdraw their letter they will and he’ll make comments without the letter.

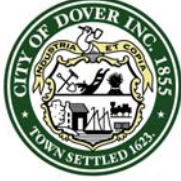
Frank Torr said that he feels that we gave Mr. McNeill an opportunity and he thought that the opposition ought to have a chance also.

Atty. Bernie Pelech, speaking on behalf of Mr. & Mrs. Grossman, the owners of the abutting property, urged the Board to stand by the position that they just made to not take this matter off the table and to leave it on the table until the next meeting. He has not had the opportunity to review any of the information provided by the applicant. Nor has the applicant had any opportunity to review information which his client provided today. It behooves all of them to establish some sort of a deadline to submit any materials understanding that anything submitted after that deadline would not be considered. He said that would be the most fair and equitable to everyone.

Frank Torr said he would make a motion that it would remain on the table until March 25, 2008.
Tony McManus seconded.

VOTE U/A 7 – 1

Opposed – Perry Plummer



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Tony McManus said that he was going to make the same suggestion that any submission would be made by a certain date.

Malcolm McNeill said that the concept of having a deadline date is very appealing and some planning boards throughout NH have those dates. He said if you would like to set a date certain for submission it is fine with them. He assured Atty. Pelech he would copy him with any additional documents.

Chairman Cole set the deadline date of March 18th, 2008.

5. Committee Reports

Chris Parker said that he has received a request for an extension for The Village at Thornwood Commons, the residential portion. He said it has been discussed in the past that the concept plan had requested enough extensions and that he felt that it was coming up to the end where we could allow any more of them. This is the residential portion that couldn't be completed until the concept plan was, thus they need an extension well beyond the administrative 90 days, so he is bringing it to the Board with a recommendation that it be granted for that project.

Dean Trefethen made the motion to approve the 90 day extension.

Donald Andolina seconded.

VOTE U/A

5. Committee Reports

Ron Cole appointed Linda Merullo as the Planning Board Representative on the McConnell Center Advisory Committee, replacing Donald Andolina. He said he would like John Swartzendruber on the Willand Pond Committee.

Christopher Parker reminded the Board that a year ago the Council had asked the Planning Department to update the Master Plan. We spoke about Community Facilities and the Land use Chapter. He would like to continue forward with other chapters. He said the recreation chapter is under way and we need to do a housing chapter. In the past we have had a master plan steering committee. He would like to ask the Board to consider creating that committee with the appointment from Ron Cole to help the department steer through the remaining four chapters of the Master Plan that he would like to do.

Dean Trefethen asked what a steering committee does.

Chris Parker said that it gets back to the Speak Out Sessions. They had a steering committee that helped staff organize when the meetings should be for the public interaction. The master plan should be a community driven document which is reinforced by getting a community volunteer group to be the



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steering committee on that. He doesn't want the master plan to be his plan. Working in tandem with the community is what he hopes the steering committee to be.

Donald Andolina felt, in general, it would be a good idea. He thinks that we have gone a bit too far. If you don't appoint people now, there is going to be a steep learning curve to bring them up to speed which will delay the process.

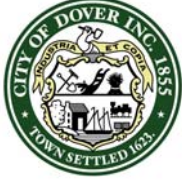
Chris Parker said that he disagrees because there are chapters that have not been defined. The committee would help him draft the RFP and help to interview the consultant. One of the reasons that we have asked John Swartzendruber to be on the Willand Pond Committee is because he feels that the Planning Board should be involved. He said that there should be one steering committee to help with the four chapters that he would like to do.

Ron Cole said there were a number of folks that were on the steering committee eight years ago that might want to sit again. He said that he would like to discuss contract zoning at the next meeting.

Chris Parker will be bringing forward four outlines of four regulations and he will be contacting the contract zoning subcommittee to get the materials. There is another committee that is looking at drive-throughs. He said that we need to get the ball rolling. He would like to get the material to the Board for the 25th and schedule a workshop in April.

Tom Fargo said he requested time in order to update the Board on things that are going on in Concord. The bill that Atty. McNeill was talking about, the Shoreland Protection Act is Senate Bill 417. There was an amendment to this bill to roll back the start time from April 1, as it states in existing law, to October 1. This is just an amendment to the bill that has not been voted on in the Senate Committee. This won't be voted on until Tuesday. If it passes the committee, it will have to go to the floor of the Senate and passed there, and then come over to the House. It can't come to the House before March 20, which is Crossover Day. He said that they won't be seeing it in the house until two weeks after that, which is after the effective date of the existing Shoreland Protection Act. So even if this amendment survives passing through the Senate and gets to the House, it will have a rough ride from there because the effective date of the Shoreland Protection Act has already passed by the time it comes to the House. It should be looked upon as this bill is very early in its stages and it is not a done deal. If it passes, it will be a repeal of the effective date rather than postponing the effective date. He thinks we have a situation where the Shoreland Protection Act will kick in on April 1, despite whatever happens in the general core. If this and its amendment goes through its going to change it on the May-June timeframe, after it is already in effect for at least a month.

Tom Fargo spoke on the issue of outdoor wood fired boilers. He said that the problem is that they smoke up a storm. A bill went through his committee in the House, it passed out of their committee unanimously to establish a framework to regulate these things and that framework contains three things that are established locally. It reaffirms that municipalities have at their disposal the Nuisance Statute



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, March 11, 2008
Meeting Time: 7:00 pm

RSA147, for regulating these things because they do smoke a lot. It establishes under local control the ability for municipalities to set standards as long as those standards don't make the unit inoperable. It allows local municipalities to say that they don't want them in some zones because people live too close together and they become a problem. It passed through the committee with a unanimous vote and it is now going to the Senate in about a week or so. The committee is in charge with developing these regulations. This doesn't include the wood pellet stoves that are very clean. He said that it is appropriate that they be exempt.

Linda Merullo stated she does e-mail frequently and before meetings she always checks the computer to see if there are any updates. She didn't get a copy of the Mill Street project. She said that we need to be sure that any materials are gotten by e-mail but not just before a meeting. Now would be a good time to put something in place and it should be voted on.

Perry Plummer said that he understands that we didn't want to rule on Mill Street because of the magnitude of information that was put in front of them was overwhelming, but he doesn't think we ought to throw the baby out with the bathwater. Receiving a one page item that comes in late and there is time to read it before the meeting, be it from the Planning Department or the developer, is different than what was put on our desks tonight. He would not want to pass anything that precludes them from looking at something that is one or two pages so we can move things along.

Ron Cole said that he has been the Chair for about 14 years and this is the first time that he has ever run into where he gets tripped up on information. There is a volume of information here and it was explained that it would all be explained to us, but he said that he doesn't feel comfortable for either side. The Board would not be fair to the applicant by not having an opportunity to look at this. This is an excellent Board and everyone does their homework but we need the information to do the homework.

Chris Parker said that Steve Stancl had a verbal policy and he tends to carry it forward. Applicants are told if they have something very substantial and important, to get it to us by the end of the day on Thursday so we can get it into the packets that we try to get out on Friday morning. Chris said he told Atty. McNeill if he got the information in before 10:30 a.m., with copies, on Friday, they could go in the packets. We don't have a set deadline. We try to have the staff memo done by the end of the day on Thursday. He said he is just as guilty.

7. Adjournment

Dean Trefethen made the motion to adjourn.

Donald Andolina seconded.

VOTE U/A