

CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, May 13, 2008
Meeting Time: 7:00 pm

REGULAR MEMBERS PRESENT: Ron Cole arrived @ 7:15 p.m., Marcia Colbath, Dean Trefethen, Frank Torr, Tony McManus, Perry Plummer, Donald Andolina, John Swartzendruber, Doug Steele

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

STAFF PRESENT: Bruce Woodruff, Planner, Jennifer Bretz, Recording Secretary

Tony McManus sat in for Chairman Ron Cole. Linda Merullo sat in for Tony McManus. McManus brought the meeting to order at 7:01 pm.

1. Citizens' Forum

Chief Dave Bibber, 1 Whittier Falls Way, would like to tell the board that he understands the decision that they made three weeks ago but he's not happy with it. He expressed some concern that the board is only making technically sound decisions not decisions based on the community and the residents interest. He believes the planning board is making decisions that are not in the best interest of the city.

2. Approval of minutes of the minutes of April 22, 2008.

Motion: Frank Torr made the motion to approve the minutes. Perry Plummer seconded. Vote: U/A

3. New Business

- A. Consideration and acceptance of a site review of land for Aronosian Oil Company, Inc., Assessor's Map 15, Lot 71, zoned B-3, located at 52 Central Ave., & Locust St., (3,000 s.f. gas station/convenience store)*(P08-09)**

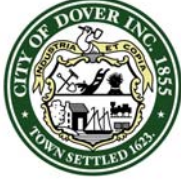
This item has been withdrawn.

A. Public Hearings for Proposed Zoning Ordinance Amendments.

- 1. Amend the Table of Use Regulations by revising footnote numbers [9] & [23] to limit residential structures to the second floor or above in the B-3 (Thoroughfare Business District), O (Office District), and UMUD (Urban Multiple Use District), and to allow residential structures in only existing structures in the UMUD.**

McManus confirmed with Woodruff that the Planning Department staff is asking the Board to change to table of use regulations in the zoning ordinance which limits residential units/structures to the second floor or above in several districts. The original crafting of the ordinance was looking at the existing mill structures that existed. It wanted to give the most mixed use capability that it could to those existing structures. One of the things seen in the new structures being built, within those districts, the residential uses has been put onto the first floor as well. That was not the original intent of the ordinance and this is an attempt to fix it.

Betty Ireland, Silver St, was concerned about what was being done to the residence across the street from her. She also had questions regarding what zone she was located in.



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Ron Cole arrives @ 7:18 McManus steps down. Linda Merullo continues voting in place of McManus.

Attorney Jim Schulte stated that he owns land in the Office zone and is representing some residents that own land in the B-3, O and UMUD zone. In regards to the proposals for the Office and B-3 zone, this seems to be a solution in search of a problem. Office zones are scattered throughout the city in older neighborhoods. There are a number of office buildings with no residential in them and a number of residential buildings that have no offices or commercial uses in them. It is hard to find mixed use building the ordinance for O zone and B-3 zone and you will be establishing hundreds of properties that will be nonconforming properties. The board is depriving people of changing the use of their properties. They will not be able to expand unless there is a variance from the ZBA.

Woodruff stated that with regard to the issue of abandonment of the residential use on the first floor means it would have to be abandoned for over a year. It would be hard to prove the owner has abandoned the residential use on the first floor just because someone has moved away or you lose a tenant for a period of a month or more.

Cole asked Attorney Schulte to put his concerns in a letter format and send it to the Planning Department so it can be disseminated to members of the board.

2. Amend the Table of Dimensional Regulations Table I: Uses, Part C, by adding a new footnote number [16] to “eating and drinking establishment” uses in the Hotel/Retail (B-4) District, to allow the Planning Board to grant a conditional use permit to allow drive-thru service.

Cole stated that this does not mean that it will happen, this is a fact finding process only at this time. This is preliminary. Nothing will happen tonight. This will come back before the Board at the next meeting.

Public Hearing Open

John Weeden, 365 Sixth Street stated he was born and raised in Dover, for 48 years. Next door to his property, his Grandmothers’ property is for sale. There is a buyer for the property. He’s involved in the sale and went to the Planning Department to look at the plans. They want to put in a fast food/drive thru establishment. He was told not to worry because the property isn’t zoned for it. After receiving the agenda, he realized that there is a possibility of the zoning being changed. He feels that if you pass this change, it will affect his family. He has no intention of moving, he doesn’t want these businesses next door. He asked that the Board think wisely before making this change and does not want to be forced out.

Cole stated there is nothing on the table presently. The process someone has to go through when applying with the City is you can’t go anywhere without going through the Planning Department. It has to go through a Technical Review Committee. Sometimes it makes it out of the TRC, sometimes it doesn’t. Right now, there is nothing even close.

Jim Kelly, 12 Augusta Way, wants the staff to indicate the origins of this change. As stated, it is potentially well into the future but what prompts it to come onto the agenda tonight?

Woodruff stated that over the past 5-6 years, several people have come forward with applications or ideas for commercial development. A recurring theme is that people would like a drive thru. Because of the zoning,



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we've had to say, "No". This will give the opportunity to have the possibility to have a tasteful drive thru that's decided by the planning board. Only if the applicant meets certain criteria, i.e. certain hours of operation, tactile touch pads instead of the loud speakers and several other things that would have to be in place before the board said, "Yes" in a Conditional Use permit. That is really what is before you tonight. We're here to see what everyone thinks and to take notes.

Public Hearing Closed

B. Public hearing to hear requests for Extraction Permits.

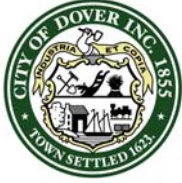
Cole stated that at the request of some of the extraction companies, he's moving Pruven from C-4 to C-1 and Brox from C-3 to C-2.

Recess @ 7:47 p.m. McManus left the meeting. Resumed @ 7:51 p.m.

Woodruff stated this process comes up annually. All of the extraction companies have to come to the local planning body to acquire an annual extraction permit. We follow that procedure. It was rewritten in 2004. It was a vast improvement over what we had in place. We crafted the new ordinance to closely follow the state statute RSA 155:E Through the years, we've identified some important problems, mainly because the Mast Rd area is in a ground water protection zone; we're extracting materials from it, and there are issues with the depth of the pit and whether or not we're going into the historic average high water table. The Planning Department and the owners' have worked on these issues for the past two years. One of the things that we've done, is the City and the owners have paid for a hydro-geological study report. The most salient point that comes out of it is the historic average high water table out there does go up and down over the years, but the average, through the years, is 96 ft MSL. The pit owners, along Mast Rd, need to bring their pit bottoms up to 100 ft. All of the pit owners are working diligently to bring their pit bottoms up to 100 ft MSL. They've all agreed to do so. One of the conditions of approval for the permit is the work, to bring the pit bottoms up, be completed by July 31, 2008, which may not be doable. August 31 or sometime in September would probably be a better date to substitute in that condition. There is another issue, blowing sand and dust. It leaves the confines of the properties and blows across the road, into neighbors' yards; it blows into the yards of commercial places, and into the next town. We're trying to do what we can to mitigate this. In regards to the Griffin-Tyler pit, they've stopped asking for a permit one year ago. Their reclamation bond has lapsed as of January 2007. It was not being paid for. The city attorney is looking into whether or not we can get to the bond to do the reclamation. The owner of the pit has one tax lien and is about to get a second one, in August. We're certain that the excavation has ceased and that the owner is not willing to reclaim the property. In regards to the water level, in that area, the water levels, from a year ago, are down 2.4 ft as of Thursday 5/8/08. Good progress.

Cole asks is the applicant required to have a bond posted as long as they have a working pit or is that bond something that is an added to an item?

Woodruff stated because it's a reclamation bond, RSA 155: E, the bond shouldn't be able to lapse even if the owner does not pay for the bond on an annual basis. We're supposed to receive, as a municipality, a notice that the owner has ceased paying for the bond. That would give us, the municipality, an opportunity, in a timely manner, to call the bond. One of the things we did, this year, was research all of the bonds and tried to get all of the bond dates in sync with each other. We went to the city attorney and he gave us a 13 point recommendation



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bullet on the things that we need to do. The staff has done five of the thirteen and we're going to work on four more, this year.

Torr asked if any of the pit operators are below the 100 ft mark and are they actively excavating below the 100 ft mark.

Woodruff stated yes and that is why conditions, on three of the pits, are allowing them extra time this year and asking them to certify, by licensed land surveyor, that they have brought all of their pit bottom up to 100 ft. He states that all three of the pits are actively putting native permeable materials back into the pit bottom.

Plummer asked if they should choose a more doable date so they don't set the system up to fail.

Woodruff stated he would recommend August 31, 2008.

1. Public hearing and consideration of a request for an extraction permit by Pruven Aggregates, Assessor's Map H, Lot 61, 59-1 and 59, zoned I-4, located on Mast Road.

Public Hearing Open

Stacy McDonald, 330 Mast Rd, stated that she represents the neighbors on Mast Rd. They are continually affected by work on Mast Rd. All have seen documentation proving that the operations, of this kind, are environmentally unsound and require certain compliances in order to cohabitate within a neighborhood. They do not want to shut down the pits. Not trying to start a war with anyone, just want to try and get compliances steadfast so that they can all breathe easier and not have this mess that happens every single day. The only reprieve you get is when they're not open. Homes are bombarded with particles that coat the air. Several attempts have been made to ask them to use the water trucks more often or use a different entrance. She's asking the board to postpone granting any permits until after we've had a chance to sit down with the owners and experience this new spirit that they seem to have. She feels if the permits are granted tonight, the Mast Rd residents will be rendered helpless. She wrote a letter to try to make some suggestions and compliances that will help them coexist with the pits to help them be more of a neighborhood.

Tom Fargo, 14 Cobblehill Dr, Conservation Commission chairman. He participated in the redrafting of the extraction permit application requirements in zoning ordinance 170-29 and 170-30. He stated the gravel pits, on Mast Rd, are reaching the end of their lifetime. The zoning ordinance has two sections which relate to extraction permits, 170-29 and 170-28.3. These apply to the Mast Rd area, this area has two water supply wells for the City of Dover that apply, approximately, 40% of Dover's water supply. Need to start thinking about other uses for the land, since the pits are at the end of their lifespan. Regulations that are reasons to fill to a pit-bottom elevation of 100 ft are RSA 155-E: 4-a and Dover Zoning 170-29.7 A. Refer to handout. When they revised the zoning ordinance, it was to make sure that there was enough fill, at least 4 ft of foundation for future land use. The dimensional requirement is based on a separation of disposal bed. Regulations that are reasons to allow standing water in pit bottoms or excavation below the water table are RSA 155-E:11 and Dover Zoning 170-28.3. Refer to handout. Historically, there has been use of low permeability materials brought in from offsite. If it's placed in the wrong spots, it can limit the infiltration of water and reduce the capacity of the aquifer. Depending on what type of material you're allowing to bring up the pit bottom and where it's being placed, you may be threatening or protecting the water quality.



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Cole stated he will be forming a committee which will benefit all of the parties. He wants to remind many of us that we have sat on committees for the long range of the waterfront. Long range eventually does come.

Ari Pollack, represents Pruven Aggregates. Owners of Pruven, Dick and Rick Proulx, are also present. He is pleased to report that, in the past year, they have worked with Woodruff and Dean Peschel, to come up with a strategy of how to achieve some equilibrium when it comes to the issue of how to avoid standing water and groundwater elevation. Pleased to participate in study done by GZA. Based on data existing prior to the pumping going on now, they decided that 96 ft was a number comfortable for everyone. Not digging in those areas anymore. They see the theme, this year, of dust and migrating sand. They now it's an issue. Typical ways they handle those issues is by circulating the water truck and by building up berms on the property line. The staff has recommended getting together with Pruven to come up with better ideas. They are in favor of the neighbors being involved, as well. In regards to bringing the pit up to the 100 ft mark, they are forced to spend money or extra manpower to get it done in a short time frame. He's requesting that they would like some flexibility in getting it done.

Plummer asks if he has a time frame to start setting up discussions with the neighbors regarding the dust situation.

Pollack stated Rick Proulx spoke with some of the neighbors. He's not sure if they set up a date. He's willing to set a meeting up tonight.

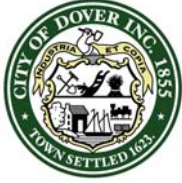
Cole stated he wants to make a determination in the next couple of weeks to set up a meeting to hear the neighbors concerns.

Pollack states that in the staff's comments, they need to have a plan of attack by May 30, 2008.

Attorney Schulte represents some citizens on Mast Rd. He would like Woodruff to set forth what his recommendations are. He would like to help propose some things that could be done regarding the dust and sand after hearing Woodruff.

Woodruff stated the staff's recommendations with the additional line for the neighborhood meeting. The Planning Department recommends the extraction permit be approved with a permit expiration date of August 31, 2008, with the following conditions:

1. The owner shall comply with Best Management Practices document submitted to the Board with the previous permit submittal.
2. The April 13, 2005 letter to the Planning Board Chair becomes a part of this permit.
3. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance permission from the City's Environmental Projects Manager (Mr. Dean Peschel). A copy of said permission shall be in writing and shall be filed with both the Conservation Commission and the annual excavation permit recorded in the Planning Office.
4. Continue the on-going work to bring the floor of the pit up to the required elevation of 100 ft using native, permeable materials. This task shall be completed and certified in writing by a licensed land surveyor by August 31, 2008.



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5. Remove the surface infiltration area items from the restoration plan based on the conclusions of the GZA Study Report and submit two copies of said plan to the Planning Office by June 30, 2008.
6. Add the areas of recent tree removal and excavation activity on the south side of the operation to the excavation plan and submit two copies of said plan to the Planning Office by June 30, 2008.
7. Institute regular access roadway water wash-downs, to include submitting a schedule of same to the Planning Office by June 30, 2008.
8. Prepare, have reviewed and approved by June 30, 2008, then implement the plan by August 31, 2008 that would mitigate blowing sand, dust and other particulate matter near the Mast Road property frontage in sections where none exist currently. Staff suggests a loamed and seeded, appropriately high, berm with a vegetated top.
9. Hold neighborhood meetings, with all of the parties, to be coordinated by the Planning Staff, prior to June 30, 2008.

Attorney Schulte stated that his clients would be strongly in favor of having a loamed and seeded berm with some sort of vegetation. In regards to the piles of sand on the side of the road, he requests them to water those as well when watering the road.

Rick Proulx, VP of Pruven Aggregates, stated the Redimix Company has to have certain moisture content for their sand. He can not water the piles and keep them in state specifications. They keep the piles moist all of the time.

Attorney Schulte asked if the piles can be pushed back further off of the road or screened so that it has less of an effect on the neighbors.

Merullo stated for the pits to water the piles as much as possible. It dries out too quickly. She would like to put a height on the berm, something more substantial. Small pine trees won't help, large pine trees would. 7 or 8 ft would help. She thinks the piles should be moved back further. Her recommendation would be to put in a height requirement.

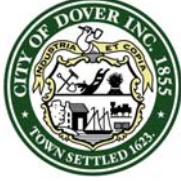
Andolina asks if the May 30, 2008 date is realistic. Are they achievable? He doesn't want the extraction companies to ask for extensions.

Woodruff stated the intent is to prepare, review and approve a plan that may include berms with heights and certain vegetation on it. The intent was to have the plan prepared, reviewed and approved by May 30, but not implement it. The date to have it implemented by is, probably, August 31.

Discussions continued regarding the dates in the staff recommendations memo. The dates were changed to the permit expiration date it was changed from July, 31 to August 30. Number 4 was changed from July 31 to August 30. Numbers 5, 6 and 7 were changed from May 30 to June 30. Number 8 was changed from May 30 to August 30, 2008.

Public Hearing Closed

Andolina moved to accept however discussions took place regarding the changes to the staff recommendations.



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Motion: Andolina made the motion to approve with the staff recommendations. Merullo seconded.
Vote: 8 to 1 (Trefethen Opposed)

2. Public hearing and consideration of a request for an extraction permit by Brox Industries, Inc., Assessor's Map C, Lots 12-A, 13 and 14, zoned R-40 located on Glen Hill Road.

Public Hearing Open

Tom Fargo, 14 Cobble Hill Dr, has some questions about lot 14. Included in packets, refers to the excavation area going on almost to Tolend Rd. On the plans, the descriptions on the plot, indicates that the proposed excavation was to be at an elevation of 120 ft. If you look at the map, there is an area of wetland that has an elevation of 150. Potentially indicates that the planned excavation would be almost 30 ft below the water table. Some research would be required to establish whether the plan was viable. Map does not show phasing. He asked Mr. Cluff, of Brox Industries, what the time frame would be for the excavation. Cluff indicated that it is beyond a ten year time period for most of the work.

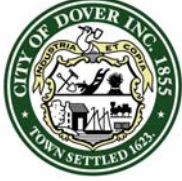
David Cluff, Plant Manager for Brox Industries, suggests that prior to the approval of lot 14, he'll submit a revised plan showing an elevation that would be satisfactory. Within 500-750 ft of the wetland area at an elevation above the wetland area. Until such time that they can do more soil research and possibly put in a monitoring well, to track the water tables, prior to any excavation. He's not worried about the wetlands because they are well designated on the plans. On lot 13, they are currently at an elevation of 140 ft. Where they are at now, they have a monitoring well and test pits done. They don't have any concerns regarding where they are on the water table. They're 15-20 ft above it.

Woodruff stated the staff comments: Planning staff met with both the pit operator to discuss requirements in March. Staff performed a site inspection in May. The application materials are complete. The excavation/reclamation plans are complete. The Planning Department recommends the extraction permit be approved with the following conditions:

1. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance permission from the City's Environmental Projects Manager (Mr. Dean Peschel). A copy of said permission shall be in writing and shall be filed with both the Conservation Commission and the annual excavation permit recorded in the Planning Office.
2. Check contour call-out accuracy in the new excavation area for Map C, Lot 14. Please fix contour transition errors and submit two copies of said plan to the Planning Office by May 30, 2008.
3. Prepare a hydro-geological report prior to beginning excavation or portion of Map C, Lot 14 that addresses the allowable final excavation grade for the future operation of said lot adjacent to the large wetland located to the east. Adhere to the recommendations of said report.

Public Hearing Closed

Motion: Torr made the motion to approve with the staff recommendations. Perry seconded. Vote: 8 to 1 (Trefethen opposed)



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3. Public hearing and consideration of a request for an extraction permit by Severino Trucking Co., Inc., Assessor's Map H, Lot 58, zoned I-4, located on Mast Road.*

Public Hearing Open

Ron Severino stated that he runs the Mast Road pit. We are aware of what has been going on and we have read the recommendations and agree with them. We are sensitive to the dust problem and we are actually starting tomorrow to add an additional water truck to help with this issue and will make a point to get out to visit the abutters. The change in the dates are fine.

Fargo, 14 Cobble Hill Drive stated that he has been listening to the concerns regarding dust emissions from the pits. Two regulations not in the hand-out is 155-E:5 that is consistent with Dover regulation 170-29.8. We are putting a lot of effort on berms. It's time to do the reclamation as stipulated in both the State law and the Zoning Code. One precautionary note is that there is guidance to re-vegetate using sewage sludge put out by DES so whatever you are trying to grow. State law says areas which have been affected by excavation shall be spread with top soil. In any case covered with a soil capable of sustaining vegetation. My concern is that we are in an area where there is ground water that we are using as drinking water source. Spreading of sewerage sludge would produce a lot of nitrate run off which would potentially make that water undrinkable. Be mindful that any re-vegetation plan should be consistent with the State Law and local Zoning Regulations.

Cole thanked Fargo and said it was an excellent comment and a good reason to form a committee to address this issue.

Public Hearing Closed

Planning staff met with the pit operator's engineer to discuss requirements in March and performed a site inspection on May 8, 2008. The excavation and reclamation plans are complete.

The Planning Department recommends that the permit be approved with a permit expiration date of August 31, 2008.

1. Hours of operation shall be restricted to 7:00 AM to 5:00 PM weekdays and 7:00 AM to 2:00 PM on Saturdays, with gates to the site opening no earlier that 6:30 AM
2. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance permission from the City's Environmental Projects Manager (Mr. Dean Peschel). A copy of said permission shall be in writing and shall be filed with both the Conservation Commission and the annual excavation permit recorded in the Planning Office.
3. Continue the work to bring the floor of the pit up to the final reclamation plan elevation of 100 ft using native, permeable materials. This task shall be completed and certified in writing by a licensed land surveyor by August 31, 2008.
4. Staff has a concern regarding the stability of the slopes around the cell antenna monopole. A soils expert should submit a report to staff assessing the current condition with recommendations for mitigation if required.



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5. Prepare a designed fix and repair erosion damage behind the Community Services complex and certify completion by August 31, 2008.
6. Institute regular access roadway water wash-downs, to include submitting a schedule of same to the Planning Office by June 30, 2008.
7. Provide a certified statement from the Tax Collector that required taxes have been paid to the Planning Office by May 30, 2008.
8. Prepare, have reviewed and approved by June 30, 2008, then implement the plan by August 31, 2008 that would mitigate blowing sand, dust and other particulate matter near the Mast Road property frontage in sections where none exist currently. Staff suggests a loamed and seeded, appropriately high, berm with a vegetated top.
9. Hold neighborhood meetings, with all of the parties, to be coordinated by the Planning Staff, prior to June 30, 2008.

Woodruff added that Environmental Projects Manager Dean Peschel informed him that the berm between Martel, which is Mast Road Sand and Gravel is added to annually as the pit progresses. Severino is doing a good job reclaiming slopes and constructing the berm on an annual basis.

Motion: Torr made the motion to approve with the staff recommendations. Perry seconded. Vote: 8 to 1 (Trefethen opposed)

4. Public hearing and consideration of a request for an extraction permit by Mast Road Sand and Gravel, Assessor's Map H, Lot 53 & 54 zoned R-40/I-4, located on Mast Road.*

Public Hearing Open

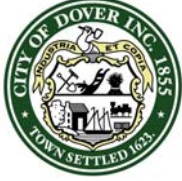
Kevin McEneaney represented the applicant. He stated that they agree with the memo and changes to it. The applicant is in the process of getting the berm vegetated and the area of concern right now is the west of the pit and the beginning of the Severino pit. He is excavating towards Mast Road and has created a berm in that area.

Public Hearing Closed

Planning staff met with the pit operator's engineer to discuss requirements in March and performed a site inspection in May. The excavation and reclamation plans and application are complete.

The Planning Department recommends the extraction permit be approved with a permit expiration date of August 31, 2008, with the following conditions:

1. The reclamation and operational plan documents last submitted in 2002 shall be considered as part of the permit and the hours of operation hours are as follows: 7:00 AM – 5:00 PM on weekdays with the gates opening at 6:30 AM, and 7:00 AM - 2:00 PM on Saturday.
2. Limit excavation at the property lines of disapproving abutters to no closer than 50 ft. The letter from a disapproving abutter is on file.
3. Continue the condition from the lot line adjustment plat that states no excavation shall take place beyond Cold Springs Road (So-called).



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4. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance permission from the City's Environmental Projects Manager (Mr. Dean Peschel). A copy of said permission shall be in writing and shall be filed with both the Conservation Commission and the annual excavation permit file recorded in the Planning Office.
5. Continue the on-going work to bring the floor of the pit up to the required elevation of 100 ft using native, permeable materials. This task shall be completed and certified in writing by a licensed land surveyor by August 31, 2008.
6. Stabilize the slope in order to stop erosion and tree loss in the 10 ft. setback and on abutting property, namely Map H, Lot 55 to the rear of the operation. This task was not completed during the last permit season and shall now be completed and certified by licensed land surveyor by August 31, 2008.
7. Institute regular access roadway water wash-downs, to include submitting a schedule of same to the Planning Office by June 30, 2008.
8. Prepare, have reviewed and approved, then implement a plan to mitigate blowing sand, dust and other particulate matter near the Mast Road property frontage by June 30, 2008. Staff suggests a loamed and seeded berm with a vegetated top.
9. Provide a certified statement from the Tax Collector that required taxes have been paid to the Planning Office by May 30, 2008.
10. Hold neighborhood meetings, with all of the parties, to be coordinated by the Planning Staff, prior to June 30, 2008.

Trefethen asked why # 6 has to be extended. That is carried over from last year.

McEneaney explained reclamation on the plan shown.

Trefethen expressed concern and stated that the Board at some point and time we need to get tough, this stuff drags on year after year and this is a requirement that we put on last year and it wasn't done. He is afraid when we get to August 31st it will not be done. This is for all the pits. We put conditions on and the next year comes along and they say they are not quite done yet.

Cole said more staff would be helpful and understands his concern. He stated he defends both Woodruff and the pit owners. If you recall we did shut someone down last year for lack of cooperation.

Motion: Torr made the motion to approve with the staff recommendations. Steele seconded. Vote: 8 to 1
(Trefethen opposed)

Cole said that he wants to consult with the Mayor and some members of the City Council to make sure when I appoint a committee to determine that all of the people on the committee are answerable to the proper people. As soon as I get that settled I will be happy to appoint the committee and start the long range planning with respect to what we are going to do.

4. Old Business

A. Discussion and possible vote on a minor subdivision of land for Revolutionary Homes, Inc. (Owner: Olde Forest, LLC) Assessor's Map M, Lot 2-1, zoned R-40, located on Back Road. (P08-19)(1 lot)



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

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Cole informed the members that the next two items can be discussed collectively and will take action on them separately.

Motion: Torr made the motion to remove from the table. Colbath seconded. Vote: U/A

McEnaney stated that at the site walk they addressed several questions. There were people were present that were interested in preserving the home. The plan submitted shows that the line has been adjusted as suggested by the Board to leave sufficient frontage.

No public hearing as this was open and closed at the last meeting.

Staff comments. The Planning Board conducted a site walk on April 29, 2008. The applicant has revised the plat to relocate the proposed lot line so that it complies with the side setback requirements for the house and barn. The Planning Department recommends approval of the minor subdivision plat with the following conditions:

Conditions to Be Met Prior to Signing of Plat:

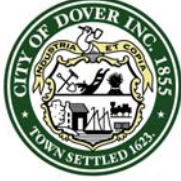
1. Add the owners' signatures to the plat.
2. Add the surveyor's stamp and signature to the plat.
3. Provide the Planning Department with a digital version of the plat.
4. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Subdivision Permit and add the permit number to the plat.
5. The applicant shall hire a preservation planner to prepare an historic assessment report on the property that would be filed with the NH Division of Historical Resources and should also be copied to the Dover Library and Woodman Institute if the house is to be demolished.
6. The lot line adjustment plat for the property, file number P08-18, shall be signed and recorded at the Strafford County Registry of Deeds concurrently or prior to the signing of this plat.

McEnaney addressed condition #5. RSA 676.4 IG was discussed. Studies of this Board do have the option to do that but this particular request is for the study of a historic structure. The RSA referred to is not for this. I have never had this remotely discussed on any of the applications for a historic structure. Mr. Philbrick would like to see the house preserved but nobody has approached him. He has a contract on the two lots and he has the ability to alter the contracts if someone wants to preserve the building. It is unprecedented to require that assessment. They are not interested in accepting that as a condition of approval.

Woodruff stated that the proposed condition for this report has nothing to do whether or not the home gets demolished. The report will have no recommendations in it. It is a report that compiles the history of the property, its uses and its historical connection to the community of Dover. Woodruff explained about some buildings where the assessment was required.

Mr. Philbrick asked if it would be possible to make the condition possible if the building was not being preserved for historic importance. I do not want to go through the expense if they are going to buy it and preserve it.

Cole said he was okay with that, Colbath stated that it does work for her but has a problem with forcing him to do that. Cole said that item #5 will add that this will be required if the house is to be demolished.



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Discussions continued regarding preserving the building.

Andolina asked if a demolition permit would trigger this assessment automatically.

Cole suggested striking condition #5.

Woodruff said he does not agree but suggests adding that if the house is to be demolished they would need to have the assessment.

Motion: Trefethen moved to approve with staff recommendation conditions. Merullo seconded. Vote: U/A

B. Discussion and possible vote on a minor subdivision of land for Olde Forest, LLC, Assessor's Map M, Lot 2, zoned R-40, located on Back Road. (P08-20)(2 lots)

Motion: Plummer made the motion to remove from the table. Merullo seconded. Vote: U/A

Public Hearing Open

McEneaney explained the three lot subdivision as submitted in the file.

Public Hearing Closed

Staff comments. The Planning Board conducted a site walk on April 29, 2008. The Planning Department recommends approval of the minor subdivision plat with the following conditions:

Conditions to Be Met Prior to Signing of Plat:

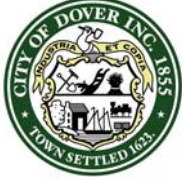
1. Add the owners' signatures to the plat.
2. Add the surveyor's stamp and signature to the plat.
3. Provide the Planning Department with a digital version of the plat.
4. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Subdivision Permit and add the permit number to the plat.
5. The minor subdivision plat, files number P08-19, shall be signed and recorded at the Strafford County Registry of Deeds concurrently or prior to the signing of this plat.

Motion: Andolina made the motion to approve with staff recommendations. Swartzendruber seconded. Vote: U/A

5. Committee Reports

Cole stated that the Planning Department handed out proposed amendments to the Site Review and Land Subdivision Regulations for review and comment by the Planning Board.

Cole read a letter addressed to Mr. Parker regarding an approved plan for conditional use application for Elliott Rose Company and Bill Dube Inc. On November 13th the Planning Director granted to extend until February 12,



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2008 and on that day they granted an extension of 90 days, which brings it to May 12, 2008. The applicant continues to work with the NHDES to acquire approvals and they are requesting another 90 day extension.

Motion: Trefethen made the motion to approve the extension. Torr seconded. Vote: U/A

Cole added that he will discuss this extension with the Planning Department as he feels the applicant should not be able to extend this again as it has been extended long enough.

6. Staff Communications

Cole informed the Board members that they will be holding a Workshop on May 20, 2008 to review proposed changes on site review regulations and asked that all members prepare a 2 minute statement on what you think needs to be done to change our rules and regulation in order to allow a developer allow them to do business in Dover and to do it properly. We will break into sub-groups during the workshop. Each of the groups will be with a member from the Planning Department. On May 27th we will take a tour of some of the approved sites.

Cole asked if he had a member of this Board to acts as a liaison for the gravel pits. Trefethen volunteered.

Merullo updated the members on the McConnell Committee. She explained the age of different parts of the roof and stated that the replacement of the roof is complete. Occupancy rate of the building is at 98%.

Shuman stated that he is on the Parking Garage Committee. He has been elected Chair to the committee and has met three times. They are in the process of formulating some draft business plans and also planning the initial public outreach efforts and are on track to hit the July deadline.

Cole added that he will appoint a committee for the gravel pits which will include a Planning Board member, a couple of people from the public and somebody from the pit operators themselves.

7. Adjournment

Motion: Swartzendruber made the motion to adjourn at 10:02. Andolina seconded. Vote: U/A