

CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, June 10, 2008
Meeting Time: 7:00 pm

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

REGULAR MEMBERS ABSENT: Don Andolina

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

STAFF PRESENT: Christopher Parker, Planning Director and Jennifer Bretz, Recording Secretary

Meeting called to order at 7:03pm.

Linda Merullo sat in for Don Andolina.

1. Citizens' Forum – None

2. Approval of minutes of the minutes of May 27, 2008.

Tony McManus stated on the bottom of page 3, last paragraph starts whatever the impact on Varney Brook, we've already held up the DES approval. What was said was the DES has held up approval.

Christopher Parker stated at the last meeting McManus had made a motion on David Cluff's name. Upon further review, Cluff is the correct spelling.

Linda Merullo noted that when a board member is absent, state which alternate member sat in for the absent member.

Motion: Merullo motions to approve, McManus seconds. Vote U/A with corrections.

3. New Business

A. Consideration and acceptance of a minor subdivision of land for KPRP/606 Sixth Street LLC, Assessor's Map B, Lot 6A, zoned R-40, located at 660 Sixth St. and County Farm Cross Rd. (1 new lot) (P08-24)

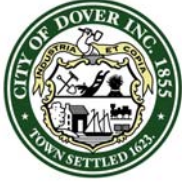
Christopher Berry, Berry Surveying and Engineering, represents the owners of KPRP. They are looking for a two lot subdivision. The creation of one new lot for residential building purposes. Both lots have 1.25 acre. There was a variance granted for this proposal because the zoning requires 40,000 sq ft of building area which includes contiguous upland area. The lot that they are creating needed a variance for 300 sq ft which the zoning board granted them at the prior zoning board meeting. They are here for the Boards approval for this one new building lot. It will be on private well and private septic. It has been reviewed by the City Engineering Department. It has been submitted to the State of NH for their final review. The access has been reviewed. There were a couple of minor revisions by Alan Dews. They are not proposing any impacts to the 50 ft wetlands buffer zone. The development will stay within the proposed setbacks

Motion: Frank Torr motions to accept, Doug Steele seconds. Vote U/A

Public Hearing Opened

None

Public Hearing Closed



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Staff Comments:

The applicant received a variance from the Zoning Board of Adjustment on May 15, 2008 to allow the creation of a lot with 39,600 square feet of contiguous upland where 40,000 square feet is required. The Planning Department recommends approval of the minor subdivision plat with the following conditions:

1. Add the owners' signatures to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. The 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, prior to signing the plat.
4. Approval of this subdivision plat does not imply approval of the septic system design on sheet #3, which is provided for information only.
5. The new dwelling unit shall be subject to any impact fees in place at the time of building permit application.

Motion: Trefethen motions to approve with conditions, Swartzendruber seconds. Vote U/A.

B. Consideration and acceptance of a site review of land for Aranasian 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)

Malcolm McNeil, Attorney, represents the applicant with regard to the site review proposal. Bob Stowell, the project engineer, and Paul Kinney from Aranasian Oil, are present. It's located at the end of Locust St. Currently, there are two curb cuts that are uncontrolled, in terms of entryways, along Central Ave. There is direct access into the site from the off ramp of the Spaulding Turnpike with a light that controls traffic in that area. There's also an access way on Locust St which is used by the fuel delivery truck. The gas station has been in existence for 40 years. For many years it was active in auto repair business which has diminished. In 1999 there was a variance granted for the awning that presently exists on the site. The variance permitted an awning within 17 ft of Central Ave. The requirement is 50 ft. On November 15, 2007, the ZBA approved a request to move the canopy 30 ft from Central Ave. The Zoning Board approved canopy in that location. The proposal is to upgrade the gasoline facility to a 21st Century facility. It would eliminate the auto service component and put in a 3,000 sq ft convenience store with the canopy. After discussions with the Planning Department, they are providing new fencing, removed one of the two curb cuts, there was 90 ft of curb cuts and they reduced it to 36 ft. There is a right in and a right out. There is no left turn permitted proceeding from Central Ave. onto the site. Fueling truck has to come up Locust St. They also agreed that any sidewalks in the area would be upgraded. There will be no drive thru. They've agreed to raise the cobblestone to effectuate the right in and right out of the site. They are requesting a waiver to allow paving closer than 10 ft to the front property line and relief from Chapter 96-6-1 to allow two driveways wider than 24 ft. The site will be lowered by 2 ft 9 inches. They believe the site will be far better than what exists presently.

Merullo had concerns regarding the catch basins for contaminant containment.

Stowell stated there would be hooded catch basins.



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McManus asked if there was going to be any green space.

Stowell stated there is a small island, a 3 ft wide strip that comes between the sidewalk and their pavement.

McManus had questions regarding the Locust St exit/entrance.

Stowell stated there is an entrance from Locust St. They are trying to increase the flow coming from Locust to pull it off of Central Ave.

Trefethen asked if they will require new tanks since the site is being lowered.

Stowell stated some will be lowered, some will be replaced.

Trefethen had concerns regarding the driveway and the markings.

McManus had questions regarding the light plans and expressed concern with having three convenience stores within such a short distance.

Colbath asked if the pitch of the Locust St exit would be sufficient?

Stowell stated the pitch is going to be 12%.

Colbath had concerns with the signage in the parking lot.

Stock stated his concerns with Rt 108. He felt that the angle of entry was hard for cars coming southbound on Rt. 108. He knows of individuals who have been rear ended in that area.

Parker stated there will be more of a deceleration lane to accommodate that.

Plummer wanted comparisons of the present building compared to the new building in terms of the height. What will the neighbors see?

Stowell stated the main part of the building will be shorter with a pitched roof.

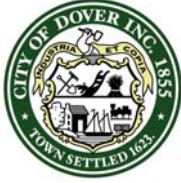
McManus had questions regarding the parking.

Parker stated the parking is based on the pumps and the convenience store. The pump spaces are considered as parking spaces. From a zoning standpoint they were comfortable that parking had been met.

Steele stated that he wants the property owner to upkeep the cobblestone, Stowell agreed.

Motion: Steele motions to accept, Torr seconds. Vote U/A

Public Hearing Opened



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Scott Cannon, 53 Cottonwood Dr. owner 292 Locust St, abutting property. He supports the design and layout of lot. The plan shows a retaining wall and fence down below. Along the lot line there are 6-7 very old trees between his lot and the gas station lot. He's concerned with how the retaining wall and the fence would work.

Stowell stated shows there is a retaining wall. It has 3.5 ft that it's retaining. The older trees are being contained. It's the undergrowth that is being removed. It's being replaced with extensive landscaping. The TRC brought up that they would like the trees to remain. TRC felt it was more than adequate.

Public Hearing Closed

Staff comments:

The applicant appeared before the Technical Review Committee on February 28, 2008 and May 1, 2008. A revised plan and letter was received from TriTech Engineering on May 30, 2008. The applicant has requested a waiver to Chapter 149-15-C to allow paving closer than ten feet to the front property line and relief from Chapter 92-6-I, to allow two driveways wider than 24 feet. The Planning Department supports both requests. In the case of the pavement along Central Avenue, the existing layout has almost no green space and the removal of a curb cut will improve safety. The width of the driveway on Locust Street remains the same as existing and the driveway on Central Avenue is reduced from 90-feet to 36-feet.

The Planning Department recommends approval of the site plan with the following conditions:

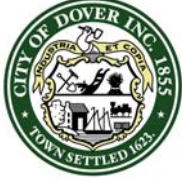
Conditions to Be Met Prior to Signing of Plans:

1. Add the owners' signature to the plan.
2. Add the surveyors and engineer's stamps and signatures to the appropriate sheets of the plan.
3. The approval includes the granting of the requested pavement waiver and driveway width waiver for the reasons given by the applicant and by the Planning Department.
4. The applicant shall revise the landscaping plan to add a minimum of five low evergreen plants in the island along Locust Street.
5. The applicant shall revise note #14 on sheet SP-1 of the plan to indicate that the applicant agrees to pay for a peer review of the traffic study if a drive-through is proposed in the future.
6. The applicant shall revise note C-23 on sheet SP-2 of the plan by changing "treatment" to "construction".
7. The applicant's Operations & Maintenance Plan for the storm water management system shall be reviewed and approved by the Environmental Projects Manager.
8. The applicant shall revise the plan for widening the striping of the Locust St. entrance.
9. The applicant shall work with the Planning staff to locate appropriate directional signage onsite.
10. The applicant agrees to maintain the cobblestone island.

Conditions to Be Met Prior to Issuance of a Building Permit:

11. The applicant shall grant an access and maintenance easement to the City for the street encroachment area on the south end of the parcel. The easement shall be reviewed by the Planning Department, with consultation by the City Attorney on the proper form of the documents, and recorded at the Strafford County Registry of Deeds.

Motion: Torr motions to approve with conditions, Plummer seconds. Vote U/A



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- C. Public Hearing to consider amendments to Chapter 155, entitled "Subdivision of Land" of the code of the City of Dover. Amendments include the requirement to submit an electronic copy and CAD of plats; require mailing labels of abutters; prohibiting lot line adjustments for hybrid Open Space Subdivision (OSS) lots if open space is altered; removing the hybrid OSS option; removing density bonuses for OSS; requiring neighborhood plans; requiring a fiscal impact analysis for subdivisions over 10 lots; new storm water management and erosion control standards; changing road pavement widths depending on the number of lots; allowing 8% local street grades; updating fee schedule; and adding 7 new definitions related to storm water. The complete wording of each amendment is available in the Planning Department and on the City's website at www.ci.dover.nh.us.**

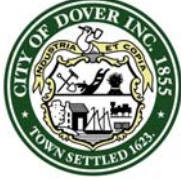
Public Hearing Opened

Malcolm McNeill, attorney at 180 Locust St, stated if he was speaking as a permitting official, with regards to these provisions, he'd say thank you because the Board would be increasing his work dramatically. If he were speaking on behalf of people, who were seeking affordable housing in Dover, he could not speak in favor of what the board is proposing. There are not many communities in Southeastern NH that would mandate on larger parcels of land that this kind of development be considered. It provides some flexibility to developers. When developers have a choice between difficult and something easy, they generally choose what is easy and more profitable. Clients that he works for always tell him that additional requirements that are imposed always get passed along to the consumer. What the Board is talking about is well intentioned, protective of the community but he wonders if it continues to provide the flexibility and incentive to have broad varieties of housing in Dover. There's always talk about work force housing and affordable housing and it rarely occurs. The developers can't find land that they can produce it on or they reach the stage of where the requirements become too difficult. He understands why it's being proposed. There are very few residential projects that pay their own way. The projects that are most conducive to paying their own way are the projects that most communities don't want. He feels that what was attempted was a good idea, he's just concerned that there's another protective layer of regulation that will elongate the process. It will disincentive some parties who may wish to provide a variety of housing in the community.

Public Hearing Closed

Parker stated he met with members of Tri Tech Engineering, McEneaney Surveying, Civilworks and Berry Engineering about this item and the next item. The two things everyone was concerned about was any associated costs do get passed through and the removal of the hybrid open space subdivision option was a key, they thought, to losing flexibility and development. They thought the lower lot size option, which creates public roads, should be moved in favor of this option which creates private roads. They did want to pass along that their big concern was any increased costs would get passed on to the end consumer. The intention is to get feedback tonight. The next meeting he'll come back with changes or suggestions based upon feedback from tonight.

- D. Public Hearing to consider amendments to Chapter 149, entitled "Site Review Regulations" of the code of the City of Dover. Amendments include changing what projects require Planning Board approval and Technical Review Committee approval; requiring aerial photos; requiring 15 copies of plans; requiring mailing labels of abutters; requiring electronic copies of plans; requiring colored architectural and streetscape plans; requiring neighborhood plans; requiring**



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a fiscal impact analysis for more than 10 residential units; new storm water management and erosion control standards; updating fee schedule; and adding 7 new definitions related to storm water. The complete wording of each amendment is available in the Planning Department and on the City's website at www.ci.dover.nh.us.

Public Hearing Opened
Public Hearing Closed

Parker stated he's just looking to get feedback from the public. He's not in a rush to vote on these.

McManus had concerns with the subdivision regulations and the site review.

Colbath stated she disagrees with what Attorney McNeill was speaking about.

Trefethen stated he agreed with Attorney McNeil about the effect that the changes have on future opportunities for privately owned land that now exists that's undeveloped. We need to make it harder to develop land.

McManus stated regarding McNeil's comment about making it harder for people to come in and do work force housing, he doesn't see a lot of developers wanting to do work force housing.

Discussion continued regarding work force housing.

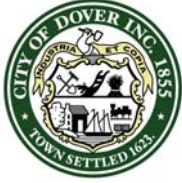
Parker stated that on June 24 the Work Force Housing Coalition will be doing a presentation to the Board about their work and what they are looking to accommodate in this region.

E. Creation of Subcommittees

Cole stated Parker and he have created committees, as the Board discussed there are some changes they would like to make positive to the community.

Parker stated he created four sub committees:

- 1) Dimensional Regulation
 - a. Sub-Committee Chair – Dean Trefethen
 - i. Frank Torr
 - ii. Perry Plummer
 - iii. Ron Cole
- 2) Long Term Gravel Pit
 - a. Sub-Committee Chair – Dean Trefethen
 - i. Marcia Colbath
 - ii. Dean Peschel – staff member
 - iii. Rec. Advisory Committee will supply a member
 - iv. Gravel Pit Owner
 - v. Gravel Pit Owner
- 3) Environmental Issues
 - a. Sub-Committee Chair – Marcia Colbath



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- i. Tony McManus
 - ii. Linda Merullo
 - iii. Doug Steele
- 4) Quality of Life
- a. Sub-Committee Chair – Kirt Schuman
 - i. Don Andolina
 - ii. John Swartzendruber
 - iii. Ron Cole

Cole stated that he and Parker will meet with each Chair. He wants to get things started.

Merullo asked about the timeline of the committee.

Parker stated it would be around 3-6 months depending on the tasks.

4. Old Business

Parker stated there is a request for an extension of Thornwood Commons. A letter was received, late today, from Dori Wiggin. DES is finally responding regarding the dam issue at Thornwood Farms. The 90 day extension expires tomorrow. He would like to extend it for another 60 days.

Motion: Colbath motions to extend, Merullo seconds. Vote U/A.

5. Committee Reports

Cole asks Parker if a surface committee has been started.

Parker stated the Conservation Commission Member is on board; Parker wanted to speak to ask McManus if he was willing to represent the Planning Board on the committee.

6. Adjournment

Motion: Merullo motions to adjourn at 8:15pm, McManus seconds at 8:15pm