



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, April 28, 2009
Meeting Time: 7:00 pm

REGULAR MEMBERS PRESENT: Ron Cole, Frank Torr, Marcia Colbath, Don Andolina, Dean Trefethen, Perry Plummer, Doug Steele, John Swartzendruber, Linda Merullo

REGULAR MEMBERS ABSENT:

STAFF PRESENT: Steven Bird, City Planner and Jennifer Bretz, Planning Secretary

Meeting called to order at 7:04 pm.

1. CITIZENS FORUM - NONE

2. APPROVAL OF MINUTES OF APRIL 14, 2009

Motion: Torr made the motion to approve the minutes, Andolina seconded. Vote: U/A

3. OLD BUSINESS

4. NEW BUSINESS

A. Consideration and acceptance of a minor subdivision of land for Michael Crotto, Assessor's Map M, Lot 88, zoned R-40, located on 201 Middle Road. (P09-12) (1 lot)

Jason Pohopek, Pohopek Surveying, stated the intent is to divide the lot into two lots. The new lot would contain 1.73 acres with 40,939 square feet of contiguous uplands. The remaining lot would contain the house and the existing developed area within 2.35 acres and 40,193 sq ft of contiguous upland. The house is serviced by municipal water which they anticipate for the new lot.

Motion: Plummer made the motion to accept the application, Steele seconded. Vote: U/A

Public Hearing Open – Public Hearing Closed

Bird read the staff comments:

Conditions to Be Met Prior to Signing of Plans:

1. Add the owners' signature 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.
4. The applicant shall revise the plat to add the minimum building setback lines to the lot containing the existing home.

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

5. Any new dwelling unit shall be assessed the school impact fee of \$3,654, the recreation impact fee of \$1,184, the police impact fee of \$276, and the fire impact fee of \$530 at the time of building permit application.
6. Each new lot is subject to the water investment fee in place at the time of building permit.

Motion: Steele made the motion to approve with conditions, Plummer seconded. Vote: U/A



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Meeting Type: Regular Meeting
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Meeting Time: 7:00 pm

B. Consideration and acceptance of a site review of land for Laconia Savings, (owner: NP Dover, LLC), Assessor's Map 38, Lot 6A & 4B, zoned B-3, located at 845 Central Avenue. (3,370 sq. ft. building) (P09-10)

Jennifer Viarengo, Appledore Engineering, stated they are proposing to replace the existing Laconia Savings Bank with a new larger building. The proposed bank will be built next to the existing bank which would allow the existing bank to remain open while the proposed bank is being built. When the proposed bank is built, the existing bank will be demolished. Once the drive thrus are built, the proposed bank will be fully operational. There will be the same amount of green area with more trees and more landscaping. There will be two drive thrus with one ATM lane. The existing site is serviced with water, sewer and electric. The difference is they will be bringing the gas line directly to the building. They are currently on propane.

Motion: Trefethen made the motion to accept the application, Merullo seconded. Vote: U/A

Public Hearing Open – Public Hearing Closed

Bird asked Viarengo for the architectural renderings and to put them up for the Board to see.

Bird stated that he asked her to put them up due to the fact that it is a commercial project. The rendering is a direct result of the architectural review guidelines within the City regulations. It is the kind of building the Planning Department would like to see.

Bird read the Staff Comments:

Conditions to Be Met Prior to Signing of Plans:

1. Add the owners' signature to the plan.
2. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the City's Environmental Project's Manager.
3. The applicant shall submit a lighting plan and analysis that complies with Chapter 149-14-E-2.

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

4. The building shall be assessed the police impact fee of \$240 and the fire impact fee of \$206 at the time of building permit application.

Motion: Trefethen made the motion to approve with conditions, Swartzendruber seconded. Vote: U/A

C. Consideration and acceptance of a site review of land for Dermatology & Skin Health (owner: Long Road, LLC), Assessor's Map 29, Lot 23, zoned Office, located at 784 Central Avenue. (6,608 sq. ft. addition) (P09-09)

Merullo offered to recuse herself due to the fact that she is a patient of Dr. Campbell. No one objected to her not stepping down.

Dana Lynch, Civilworks, went over the proposed plans. He stated that they are proposing to add on a 6,608 sq ft addition which would expand the office to approximately 12,822 sq ft. The parking lot on Abbott St will remain unchanged. They are proposing an additional lot with 32 spaces. Garrison Women's Health is located



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Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, April 28, 2009
Meeting Time: 7:00 pm

next door with a parking lot that is accessed by Central Avenue. They are proposing a to tie the two parking lots together to create an internal connection so that they can have one way in only and all egress will be via the new driveway which will be incorporated in a reconstructed intersection being proposed by Wentworth Douglas Hospital. They are taking care of drainage by constructing a subsurface drainage system. It will store the excess runoff from the new parking lot and route it to the City system with zero increase. They will be putting in a rain garden which will take the runoff and treat it prior to discharging it. It will also reduce the runoff rate. He proceeded to go over the landscaping plan.

Caleb Sloan, JSA Architects, went over the details of the proposed building.

Plummer had a question regarding the elevation of the building.

Merullo confirmed that employees would park within the Abbott St. parking lot.

Lynch went over their phasing plan.

Atty. Gregory Wirth, representing Dr. Campbell, stated that he would like to address the proposed condition 6 which states, “The applicant shall be responsible for its fair share of the road improvements for the Central Avenue/Old Rollinsford Road/Dermatology & Skin Health intersection. The applicant shall submit an executed agreement with Wentworth Douglas Hospital specifying the fair share assessments for each party, for the cost of all intersection improvements.” He and Dr. Campbell were provided numbers for the cost of the intersection improvement last Wednesday. They then met with Atty. Malcolm McNeill and Dan Dunn, from WDH, Thursday to discuss the numbers. They have not reached an agreement yet. His review of the proposal, including the TRC notes, discloses no reference to the relocation of Old Rollinsford Rd or the improvement of the Central Avenue area. It is mentioned in the WDH documents. With Dr. Campbell’s office, it does not require the relocation of Old Rollinsford Rd and the traffic light. For WDH, it does. Dr. Campbell anticipates that his project will be complete prior to the end of this year. The WDH proposal is not likely to start for another year. If condition 6 is approved, they would not be able to obtain a building permit until an agreement was met between WDH and themselves. Based on the impact ordinance, the associated statute 674-21, he would submit that Dr. Campbell is not required to pay any part of the bill associated with Old Rollinsford Rd or the intersection. One side of the traffic light will serve only him and his patients. He doesn’t have any problem discussing cost sharing based on what benefits him. Based on all of that, their request would be that condition number 6 be deleted because it is impermissible under the ordinance, statute and case law.

Merullo asked Bird his thought regarding costs.

Bird stated that with the increase in development being proposed by Dr. Campbell, he has an obligation to share in the cost of the road improvements. You could argue that the relocation of Old Rollinsford Rd isn’t necessary for his development but improved driveway access to Central Ave is because there will be an increase in the traffic over what he has today. The reason they put in condition 6 is the Planning Department did not want to be in the position to mandate what its fair share of improvements was. If the applicants can not reach an agreement the Planning Board can delay approval of the application until a fair share is assessed.

Torr asked if money had already been set aside for the improvements.



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, April 28, 2009
Meeting Time: 7:00 pm

Bird stated the last time the hospital was before the Board, the Board requested for money to be set aside for a corridor study, which was recently completed.

Torr asked a question about other contributor's.

Plummer asked if WDH was not coming forward tonight, would the Board approve this project and would they require money set aside for future improvements of that area.

Bird stated an example would be the redevelopment of Thornwood Lane. There was a residential component and a commercial component. The Traffic Engineer figured out what each component's fair share was and it was written into the developer agreement. At that time, they were proposing a new traffic light on Dover Point Rd and they were both responsible for a certain percentage. Something similar could be done in this case. But you would have to figure out what potential projects could be contributing to an overall improvement.

Plummer stated it's not uncommon for a business to get approved prior to an intersection being redone and having them contribute to that intersection. What happens if WDH were to pull their application, would Dr. Campbell be responsible for anything at that point?

Bird stated they should figure out what the applicant's fair share is so they can set that condition. If WDH were to back out of their plans and Dr. Campbell's fair share was part of his conditions of approval, later on he has the opportunity to come back to the Board and request for that condition to be removed.

Plummer stated his problem with this is that no matter what decision is made tonight, they are limiting the parties to negotiate.

Colbath stated if the intersection is improved than Dr. Campbell will directly benefit. Her feeling is the agreement should not be determined by Dr. Campbell and WDH, the agreement should be determined by the Planning Dept. and Dr. Campbell's application should be allowed to go forward. That way when construction does take place, the City will have decided the percentages. It's not fair to leave the decision up to WDH.

Cole asked Lynch in regards to the proposed additional parking, is the perception that due to the addition of the building is it going to exceed the current traffic flow onto Central Ave?

Lynch stated there will be a small increase in traffic.

Discussion ensued regarding fair share.

Motion: Trefethen made the motion to accept the application, Andolina seconded. Vote: U/A

Public Hearing Open

Atty. Malcolm McNeill, represents WDH, he stated throughout the processing of the hospital's application as well as Dr. Campbell's application, the Planning Dept. made it clear that it would leave the discussions to them. They discussed cost sharing last week. It was backed up by numbers that related to benefits that directly accrued to Dr. Campbell in terms of a light that is only going to be there because of his access way, other



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DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, April 28, 2009
Meeting Time: 7:00 pm

components that directly relate to that light and the remainder of the calculation related to intersection improvements on Central Avenue. Writing was supplied to the applicant and counsel and a meeting was conducted on Thursday. They were assured of a continuing dialog on this issue. Before tonight, he was not aware that there was any dispute with condition 6. Speaking for the hospital the Board should trust that they still wish to have discussions on this matter. They are willing to talk about this issue. If they can't resolve it, the decision reverts to the Planning Board. He's requesting for them to table the application.

Atty. Wirth stated they did receive calculations from Atty. McNeill. At Thursday's meeting they indicated the intersection cost was what they had a problem with not the traffic light cost. They want to move forward. They're willing to negotiate.

Cole stated that the issue is before the Board prematurely.

Public Hearing Recessed

Motion: Andolina made the motion to table, Merullo seconded. Vote: U/A

Recess at 8:12

Resumed at 8:20

D. Consideration and acceptance of a minor lot line adjustment of land for Wentworth Douglass Hospital, Assessor's Map 28, Lot 2, 3, 4 & 5, & Map 37, Lot 1, zoned Office, located at 789 Central Avenue. (P09-07)

Atty. Malcolm McNeill asked if they could combine item 4D discussions with item 4E.

Cole stated they could.

Discussion will be with regard to items 4D and 4E

E. Consideration and acceptance of a site review of land and conditional use permit for Wentworth Douglass Hospital, Assessor's Map 28, Lot 2 & Map 37, Lot 1, zoned Office, located at 789 Central Avenue. (162,715 sq. ft. addition & relocation of Old Rollinsford Road) (P09-06)

Atty. McNeill stated this would be a major improvement to the hospital that will serve the long term medical care needs of this community. This application is for an inpatient bed tower and other hospital facilities consisting of a 5 story addition containing over 162,000 sq. ft. For a variety of reasons, the new addition will be placed in such a manner that Old Rollinsford Rd and the Spinelli driveway will have to be relocated. Additional parking will also be provided as part of the project. The proposed relocation also requires Lot Line Approval. The proposed addition requires removal and relocation of Old Rollinsford Rd, a City street, they seek a recommendation from the Planning Board with regard to the removal and relocation. The relocation of the City Street is a matter for City Council. They've been before the Conservation Commission because a Conditional Use permit is required due to the slopes. They've been to TRC 2 times.



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, April 28, 2009
Meeting Time: 7:00 pm

Greg Walker, President of WDH, stated they've been before the Planning Board many times but they always focused on Outpatient services. Wentworth Douglass Hospital is the fastest growing hospital in the Seacoast and NH. He presented a slideshow. (In file)

Jim Hageman, Leo A. Daly project designer, presented a slideshow of the proposed changes. (In file)

Dana Lynch, Civilworks, stated went over the Lot Line Adjustment. (In file) He referred to the site plans.

Marty Kennedy, Vanasse, Hangen Brustlin Engineering, stated the City had an independent traffic study done for the intersection in front of the hospital. Sebago Technics conducted that study. He was to incorporate what came out of the Sebago studies into the WDH plans. He proceeded to go over the intersection plan.

A video of the virtual tour of the proposed additions was displayed.

Atty. McNeill stated in terms of moving forward, they need to go before the Conservation Commission for recommendation in regards to the Conditional Use Permit. They will continue to work with Staff on issues brought forward. They hope to come back to the next meeting with most issues resolved. They've spent an immense amount of time with the City as they've moved forward with this proposal.

Merullo had a question regarding blasting. Lynch stated that they had done numerous borings and did not anticipate blasting.

Plummer had a question regarding the closing of Old Rollinsford Rd.

Motion: Merullo made the motion to accept the application, Andolina seconded. Vote: U/A

Public Hearing Open – Public Hearing Recessed

Bird complimented the applicants on their presentation. He stated that there are some issues that Atty. McNeill touched on and there are a few issues that need to be ironed out before the Planning Dept. is in a position to recommend an action to the Board. The City Engineer still needs As-built plans for previous construction. This issue comes up every time the hospital has new construction. The Stormwater and Operational Maintenance plan will have to be reviewed and approved by Dean Peschel. The bus pull off is a direct result of input that Staff has provided. COAST has been involved in reviewing the plans so we'd like to make sure that they are happy with the pull off location and plans. A Fair Share agreement for the intersection plan is needed. The City Council will have to be involved for approving the relocation of Old Rollinsford Rd. The remaining land, to the south of the property, that the hospital recently purchased, they want to make sure there is adequate access to that property so that if the hospital has plans for developing that property, in the future, nothing within this plan limits the access to those properties. They also need approval from the Rollinsford Planning Board. Those are a few things that needed to be addressed.

Motion: Andolina made the motion to table items 4D & 4E, Merullo seconded. Vote: U/A

Site walk scheduled for Tuesday, May 5 at 6:15 pm. Meet in the parking area of the south entrance.



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Tuesday, April 28, 2009
Meeting Time: 7:00 pm

F. Consideration and acceptance of a site review of land and conditional use permit for River Valley Development Corp., (owner: Karen Lawrence and Sandra Devenney) Assessor's Map K, Lot 23, zoned B-3, located at 46 Dover Point Road. (6 commercial units totaling 3,552 sq. ft. & 6 residential units) (P09-08)

Bob Stowell, Trittech Engineering, stated the property is located in the B-3 district which requires the commercial component on the first floor. It is located between Dover Point Office Park and Harvest Place. They have been to the Zoning Board for a Special Exception that permits the residential component. They would all be condominiums and available for sale. The project has been to the Conservation Commission. They are seeking a Conditional Use permit for an encroachment to a wetland setback in the rear of the property. They have been to TRC. Currently there is a single family home on the lot. This redevelopment would be more of a complimentary use to the areas around it.

Torr asked where the sewer line goes. Would it be public sewer?

Stowell stated the sewer runs behind the property, parallel with Dover Point Rd and ties into the same connection for Harvest Place. It is City sewer.

Merullo asked if there was going to be a turning lane. She asked him to explain the traffic flow.

Stowell stated the traffic would be very low impact. They are anticipating uses such as an attorney's office, book keeper something along those lines.

Motion: Plummer made the motion to accept the application, Colbath seconded. Vote: U/A.

Public Hearing Open – Public Hearing Recessed

Bird went over a memo from the City Engineer and the Conservation Committee notes. (In file)

Discussion ensued regarding porous pavement.

Bird asked what the name of the driveway/road would be.

Doug LaRosa, Trittech Engineering, stated it would be the Market Square Condominiums and Market Place is the road.

Bird asked if there was there a follow up with the Fire Dept. At TRC there was a concern regarding the fire truck turning radius.

Patenaud stated that he spoke to Rebecca Jalbert from the Fire Dept. They changed the radius from 22 ft. travel way to 24 ft.

Cole asked where the drain discharges to.



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
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Meeting Date: Tuesday, April 28, 2009
Meeting Time: 7:00 pm

Stowell stated it discharges into the ground. It has a horizontal, perforated pipe where it discharges out into the ground and is absorbed by the soil. The test pits they've done there show that it has excellent soil.

Cole stated that the reason he asked that question is because of the issues they had with the Paolini project, down the road.

Bird stated the Staff's recommendation is for a site walk.

Motion: Trefethen made the motion to table the application, Andolina seconded. Vote: U/A

Site walk scheduled for Tuesday, May 5 at 5:30 pm. They will meet in the Dover Point Office Park.

5. STAFF COMMENTS

Bird stated that there was a request from Summit Land Development for an extension. This is the Locust St project that the Planning Board approved on August 12, 2008. The Planning Director gave a 90 day extension. The applicant has recently worked out the trail easement and it was signed yesterday. Because of the delay, they are asking the Board for a retroactive extension to May 12, 2009.

Trefethen asked how long the extension would be for.

Bird stated the Planning Director's extension was 90 days, which took them until February. This would be another 90 day extension.

Motion: Andolina made the motion to approve the extension, Swartzendruber seconded. Vote: U/A.

Bird went over a Staff memo regarding a grant application from Dean Peschel. Peschel is preparing an application for a Stormwater Management Database Project through the Piscataqua Region Estuaries Partnership. It's a technical assistance grant program that will help him create a database of the plans that have Stormwater Management. Currently, it's being done manually. He is requesting that the Board support and write a letter showing their support for his application.

Motion: Merullo made the motion to support the application, Swartzendruber seconded. Vote: U/A

Torr stated his term on the Strafford Regional Planning Commission expired.

Plummer stated in light of presentation of porous pavement/porous concrete the Board would like some information.

Cole asked if that was part of Conservation Commission or Planning Board.

Colbath stated they discussed it in the Environmental Sub committee. She's been to UNH to see the demonstration and presentation that they have there.



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

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Bird stated he has seen a presentation on both types. If the Board is interested he can arrange for someone, from UNH's Stormwater Center, to make a presentation.

Trefethen stated regarding the Old Rollinsford Rd and the intersection, it would have been helpful for the Board if they had a presentation on the Corridor study first with an overview of the intersection. From a future reference standpoint the information flow would be better that way.

Bird stated that he had a phone conversation with Bruce Woodruff, who stated that TAC voted to endorse the corridor plan study done by Sebago Technics. They are recommending that a presentation be made to the Planning Board so that study can be adopted into the Transportation chapter of the Master Plan.

6. COMMITTEE REPORTS

7. ADJOURN

Motion: Trefethen made the motion to adjourn at 9:54 pm, Andolina seconded. Vote: U/A.