



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 26, 2009
Meeting Time: 7:00 pm

REGULAR MEMBERS PRESENT: Ron Cole, Frank Torr, Marcia Gasses, Dean Trefethen, Perry Plummer, Doug Steele, John Swartzendruber, Linda Merullo, Don Andolina
STAFF PRESENT: Christopher Parker, Planning Director, Jean Glidden, Planning Secretary, and Bruce Woodruff, City Planner

Meeting called to order at 7:01 pm.

1. CITIZENS FORUM - NONE

2. APPROVAL OF MINUTES OF MAY 12, 2009

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

3. OLD BUSINESS

- A. Consideration and possible vote on 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 Ave. (P09-07)

Motion: Trefethen made the motion to remove the item from the table, Swartzendruber seconded. Vote: U/A.

Attorney Malcolm McNeill represents the applicants. He requested to combine the background and discussion of items 3A and 3B.

Cole stated that it was all right and to proceed with the application.

Atty. McNeill went over previous meetings they've attended. The Conservation Commission has made a recommendation that the Conditional Use Permit, that relates to slopes, be granted. The development team has been working closely with the City in regards to the conditions of approval. They are in agreement with the City and Engineering Staff with regard to the conditions of approval. They have worked hard with Dr. Campbell, his attorney and his engineer to come to an agreement in regards to fair share. A couple of things have changed since the last time they were before the Planning Board. The hospital had agreed to provide an area for a bus stop and bus turnout area, in front of the hospital. This would have been one of the few bus stops located on private property. Instead, the hospital has agreed to donate the property to the City so that the City will be in complete control of the bus stop which will result in a minor change to the site plan. Secondly, there was a condition regarding a cost sharing agreement between Dr. Campbell and the hospital with regard to the common intersectional improvements. There is a written agreement between the two parties with an amount to the cost sharing. It is 95% complete. They've agreed to a transportation management plan. They've agreed to report on that plan, annually, for three years. All of the issues have been resolved.

Andolina had a question regarding the location of the bus stop.

Atty. McNeill stated that the bus stop location would be incorporated into City Right of Way for Central Avenue.

Trefethen confirmed that the setback is the required setback.

Linda Merullo asked about salvaging the two houses.



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Atty. McNeill stated that there were no plans to salvage the structures.

Public Hearing Reopened – Public Hearing Closed.

Parker read staff comments for the Lot line Adjustment 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 revise the plat to add the land area for the COAST bus stop to the right-of-way of Central Avenue.
5. The applicant shall obtain approval from the Dover City Council for the Old Rollinsford Road realignment and land transfers.
6. The applicant shall submit all necessary deeds and easements related to the relocation of Old Rollinsford Road for review and approval by the City Attorney, and shall pay for the recording of these documents at the same time as the plats.

Parker stated that Staff will work with City Council to get through the full process by the end of the summer.

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

- B. Consideration and possible vote on 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 Ave. (162,715 sq. ft. addition & relocation of Old Rollinsford Rd.) (P09-06)

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

Public Hearing Reopened.

Dana Lynch, Civilworks, represents Dr. Campbell. He stated that Dr. Campbell is in agreement with the cost sharing with Wentworth Douglass Hospital as Atty. McNeill mentioned.

Public Hearing Closed

Parker reminded of the new procedure to separate Conditional Use applications from Site Plan applications. There will be a vote for the Conditional Use Permit and then a vote for the Site Plan.

Parker read staff comments for the Conditional Use Permit:

1. The applicant shall have the erosion and sediment control plan reviewed and approved by the City Engineer.

Motion: Torr made the motion to accept, Swartzendruber seconded. Vote: U/A.

Parker read staff comments for the Site Plan:



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Conditions to Be Met Prior to Signing of Plans:

1. Add the owners' signature to the plan.
2. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Alteration of Terrain Permit and add the permit number to the plan.
3. The applicant shall submit the proposed wording for the access easement and utility easements to the Planning Department for review and approval, with consultation by the City Attorney on the proper form of the documents.
4. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the City's Environmental Project's Manager.
5. The applicant shall provide the Planning Department with proof that the site plan has been approved by the Rollinsford Planning Board.
6. The applicant shall obtain approval from the Dover City Council for the Old Rollinsford Road realignment and land transfers.
7. The applicant shall revise the plan to show the location of the COAST bus shelter

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

8. The applicant shall be responsible for its fair share of the road improvements for the Central Avenue/Old Rollinsford Road/Dermatology & Skin Health intersection between itself and Long Road, LLC. The applicant shall submit an executed agreement with Long Road, LLC specifying the fair share assessments for each party, for the cost of all intersection improvements.
9. The applicant shall prepare a Construction Management Plan that is reviewed and approved by the City Engineer.
10. The applicant shall provide the Planning Department with proof that the Environmental Protection Agency Notice of Intent has been filed.
11. The applicant shall prepare and execute an agreement on the design and construction of the bus stop and shelter with the Cooperative Alliance for Seacoast Transportation (COAST) and construct said improvements.
12. The applicant shall revise the Transportation Demand Management Plan to require that the hospital submit annual reports to the Planning Department. Said reports shall be required for 3 years after issuance of a Certificate of Occupancy.
13. The applicant shall submit Traffic Signal Plans and a signal analysis to the City for review and approval.
14. The applicant shall be responsible for a fair share contribution for Central Avenue signal coordination, and optimization and system management work, from Old Rollinsford Road to Weeks Crossing. The amount will be determined utilizing the City's normal calculation methodology, but not to exceed \$3,000.
15. The applicant shall pay the police impact fee of \$53,696 and the fire impact fee of \$50,442.

Conditions to Be Met Prior to Issuance of a Certificate of Occupancy:

16. The applicant shall complete the construction of all off-site intersection improvements to the satisfaction of the City Engineer.
17. The project is subject to the water and sewer investment fees in place at the time of building permit.

Parker read comments from the City Engineer that is to be included within the conditions:

Conditions to Be Met Prior to Signing of Plans:

1. On the signal plans the minimum red clear time should be 2 seconds.
2. If the hospital has any plan to locate a building on the site where the new 12 inch water main is being relocated then the proposed water main location should be installed to avoid any future conflicts.



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3. A tipdown must be installed on the West side of Central Avenue where the proposed crosswalk will be installed.
4. Two left turn arrows and one “only” must be installed on Central Avenue in each left turn lane.
5. Right turn arrows must be installed on the northbound right turn lane.
6. The lane assignment on the proposed Old Rollinsford Road should be a combination Left/Thru and a right turn. This would align the through traffic better with the new entrance to the doctors’ office lot.

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

7. The applicant shall work with Public Service of NH to review relocating the poles and wires to the west side of Central Avenue, in front of the hospital. PSNH will need to coordinate with Fairpoint Communications and Comcast. This change may impact the signal pole locations as proposed.

Cole asked what a Transportation Demand Management Plan is.

Parker stated that it is a plan that helps articulate alternative means to getting to a site other than using cars. It’s a plan that looks to minimize the amount of parking spaces and the amount of congestion occurring at one time. Staff worked with the applicant to come up with the plan.

Andolina asked about the fair share. He stated that his assumption is that the applicants have agreed to what their fair share is.

Parker stated that the applicants worked with each other and agreed on a fair share.

Merullo asked about employees parking at the Exit 9 Park and Ride.

Parker stated employees may park at the new medical facility at Exit 9 not the Park and Ride.

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

- C. Consideration and possible vote on 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 Ave. (6,608 sq. ft. addition) (P09-09)

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

Dana Lynch, Civilworks, represents the applicant. He proceeded to discuss the project. He stated that they have made minor editorial changes to the plan. He mentioned the easements. They are in agreement with the cost sharing documents and they are now looking for an approval.

Public Hearing Reopened-Public Hearing Closed

Parker read staff comments:

Conditions to Be Met Prior to Signing of Plans:

1. Add the owners’ signature to the plan.
2. The applicant shall revise the plan to correct note #23 to be consistent with Common Site Plan Note #14.



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3. The applicant shall submit the proposed wording for the drainage easement and access easement to the Planning Department for review and approval, with consultation by the City Attorney on the proper form of the documents.
4. The applicant shall revise the Utility Plan by removing the underground electric lines and adding a note stating that the applicant shall coordinate underground electric with the City Engineer and PSNH.

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

5. The applicant shall be responsible for its fair share of the road improvements for the Central Avenue/Old Rollinsford Road/Dermatology & Skin Health intersection between itself and Wentworth Douglas Hospital. 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.
6. The building shall be assessed the police impact fee of \$925 and the fire impact fee of \$793 at the time of building permit application.

Conditions to Be Met Prior to Issuance of a Certificate of Occupancy:

7. The applicant shall have the phasing plan documenting improvements that will be made prior to and after the realignment of Old Rollinsford Road approved by the Director of Planning and the City Engineer.
8. The project is subject to the water and sewer investment fees in place at the time of building permit.

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

4. NEW BUSINESS

- A. Consideration and acceptance of a conditional use permit for Jeff and Jennifer McEachern, Assessor's Map K, Lot 6E, located at 153 Back Road. *(P09-13) (to construct a replacement septic system)

John Berry, Berry Surveying and Engineering, represents the applicants. He stated that it is an existing house of record that the City of Dover recognizes it as a two bedroom house. The McEachern's need to replace the septic system but would like to increase it to a four bedroom design. According to the zoning regulations, if there is an increase in the number of bedrooms, the septic needs to be 75 ft away from the wetlands unless you get a Conditional Use Permit from the Planning Board. Based on their septic design, they can meet 65.6 feet for the leach field and 51 ft for the proposed septic tank. Both of those numbers currently meet or exceed the requirements for the State of NH. They are trying to keep it on the same side of the house as the existing septic tank. They met with the Conservation Commission on May 4th. They voted to support the application.

Parker stated that, on the plan, the driveway is noted as Pine Road. He asked where the reference was from.

Berry stated that it is in the deeds. He's tried researching it but no one seems to know it as Pine Road. It may have been a planned road in the past. He stated they could remove it if necessary.

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

Public Hearing Open – Public Hearing Closed

Parker read staff comments:

The Planning Department recommends approval of the Conditional Use Permit with the following conditions:



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1. The applicant shall obtain a NH Department of Environmental Services Septic System Design Permit and provide a copy to the Planning Department.
2. The applicant shall add the word driveway in parentheses after Pine Road or remove Pine Road from the plan.

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

- B. Consideration and acceptance of a minor subdivision of land for Phillip Paige, Assessor's Map D, Lot 19, zoned R-12, located on Glenwood Ave. *(P09-14) (1 lot)

Kevin McEaney represented the applicant. It is a minor subdivision to create one new lot. The entire parcel is 7.86 acres. The lot being created is 1.0 acres. The lots, in that area, do not have municipal sewer so they will be on an individual septic system. Municipal water is available. A wetland scientist went to the proposed site and there are not wetlands on that lot.

Parker asked McEaney where it was noted, on the plan, that the hatched area is the septic.

McEaney stated it wasn't noted but he will add it to the legend.

Trefethen asked if there was any long term plan for the rest of the property.

McEaney stated that the lot being created is slightly larger than required. The applicants are conveying the lot to their daughter. There are no long term plans at this time.

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

Public Hearing Open – Public Hearing Closed.

Parker proceeded to read Staff comments:

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

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 identify the septic area in the legend.

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.

Conditions to Be Met Prior to Issuance of a Certificate of Occupancy:

6. Each new lot is subject to the water investment fee in place at the time of building permit.



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

Parker stated that they have asked Bruce Woodruff to sit up with the Board. He is the extraction permit expert.

C. 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.*

Tom Severino, Severino Trucking, stated that he is present to request an extension of their permit.

Trefethen asked if all of the permits, bonding, plans and reclamation plans are in hand.

Parker stated that the issue was taken care of last year. This year has been really simple. The areas where there may have been issues were taken care of within the conditions.

Woodruff stated that the last time he had come before the Board, with an update, was September 8, 2008 and one of the big issues was the blowing sand. There was a neighborhood committee of homeowners that was formed. A mitigation plan was decided on and has been successful. The latest inspection has a slight lax with regards to wash down of access aprons which will be addressed in the conditions. For this year, the process really began in February. All of the applicants knew what was expected of them. He's made 6 visits, within 6 months, to all four gravel pits. Given the economic downturn, it's affected the activity at all of them. There is a concrete plant that has a lease on the Pruven pit. They are still busy. They contribute to some of the blowing sand and dust. The concrete plant should abide by the same conditions being placed on the Pruven pit. At his final inspection he noticed that there is some garbage being dumped on the Griffin land. The access to three of the gravel pits are all accessed by three access points that have limited amounts of control. Everyone needs to make more of a concerted effort to make sure people do not continue to dump junk on that property.

Public Hearing Open

Don Medberry, 3 Covered Bridge Lane, stated when Severino first opened, it was for a sand operation. Then they made it into a crushing operation where they brought in a crusher. There is nothing in their agreement with the City that states that they would be bringing in material from outside jobs and crushing it. Some of the materials brought in have not been good materials. No outside materials should be brought in to make more dust. He believes that the Severino's need to be held accountable for their actions.

Edward Bleiler, 28 Isaac Lucas Circle, stated that he believes there is something wrong with the Severino operation. He explained that he is not happy with the price of the materials being sold to the Severino's.

Public Hearing Closed.

Woodruff read Staff Comments:

Planning staff met with the pit operator's engineer to discuss requirements in February and March and performed a site inspection in March and on May 21, 2009. The excavation and reclamation plans are complete. The Planning Department recommends the extraction permit be approved with a caveat that time-based



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conditions that are not met and certified by the owner/operator may result in the Planning Board considering permit revocation at the next regularly scheduled meeting, and these following conditions:

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. Institute regular access roadway water wash-downs, to include submitting a schedule of same to the Planning Office by May 29, 2009.

Andolina asked if it was a 24 hour operation.

Woodruff stated that if it is, it would be a violation of the previous year's permits. He asked the owner if it was a 24 hour operation.

Severino stated that in this economy, they barely have 40 hours per week.

Plummer asked what was going on with the crushing operation.

Woodruff stated that he's aware that there is a portable crusher on site. It's a normal accessory use in his view for any gravel extraction operation. It's not normal for them to bring materials in.

Steele stated there is language, in the Severino contract with the City that allows them a certain number of days to process materials. He's unsure of the exact amount of days.

Severino stated that there is no processing equipment on site right now. Once they accrue a large pile of materials that is when they bring the processing equipment in. It usually takes about a week to crush it up.

Colbath asked if materials have ever been brought in that Mr. Peschel has not been aware of.

Woodruff stated he contacted Dean Peschel, last week, to see if there was any instances of that happening or if he has refused materials and there have been no instances of that.

Severino stated that they keep a three ring binder of everything that they do. Nothing is brought back from a site without being tested and Peschel's approval.

Merullo asked about an abutter's letter that was passed out.

Cole asked Woodruff if he had read the letter.

Woodruff stated he was not aware of the letter and needs to review it.

Recessed at 8:04 pm



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Resumed at 8:07 pm

Cole asked Woodruff about the abutter's letter. It was written by James & Stacey MacDonald, Scott and Diane Nichol and Dan and Mihaela Sabin. (In file)

Woodruff stated in regards to the unsightly building their referring to, they did have the Building Inspector, Tom Clark, look at one building that they received an anonymous complaint on about the safety of the building. The building was not secured from people and animals. There is a memo from Tom Clark regarding the building. (In file) The owner is working with the building official.

Cole asked if Woodruff felt comfortable about his recommendations and comments fare out the concerns the abutters have.

Woodruff stated they should add a condition to Severino's that was added to the Mast Rd and Proulx permit which was the terms agreed on by the neighborhood committee, in terms of the blowing sand and dust, continue.

Discussion ensued regarding the abutter's letter.

Cole stated that they would add a condition which states, "Institute regular access roadway water wash-downs, to include submitting a schedule of same to the Planning Office by May 29, 2009 subject to the approval of the Planning Department."

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

Trefethen stated that he would like to respond to the comment regarding the City's contract with Severino. The Planning Board does not have jurisdiction regarding the contract and Severino. The Planning Board is only able to allow the use to exist.

D. 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 I-4 and R-40, located on Mast Road.*

Kevin McEneaney, McEneaney Survey Associates, represents the applicant. They've read the conditions of approval as well as the newly added one and they have no problems.

Parker said to the abutters who wrote the letter that if there is something that they think needs to be clarified than please speak during the Public Hearing.

Public Hearing Open

Stacey MacDonald, 330 Mast Road, stated that Severino is cooperative. They continually go up and down the road with the washing. As far as Mast Road Sand & Gravel, Paul Martel has been cooperative as well. He's always open to suggestions. She asked if the trucks have materials in them, could they use an alternative route as an exit. If trucks are going in empty, there isn't a lot of dust. The mountain of sand they were talking about



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just appeared before the winter. It is creating 99% of what is coming onto her property at this time. They're not looking for anything monetarily regarding property damage.

McEneaney stated that the Mast Road Sand and Gravel is limited to the one access point. One of the conditions of approval for Cold Stream Road, which abuts the gravel pit, stated that there would be no access from Cold Stream Rd to the gravel pit. Martel did change the pavement to the entranceway of the pit. It was required. He's increased the driveway width and is trying to do a good job by keeping the dust down.

Public Hearing Closed

Woodruff read Staff Comments:

Planning staff met with the pit operator's engineer to discuss requirements in February and March and performed a site inspection in March and on May 21, 2009. The excavation and reclamation plans and application are complete. The Planning Department recommends the extraction permit be approved with a caveat that time-based conditions that are not met and certified by the owner/operator may result in the Planning Board considering permit revocation at the next regularly scheduled meeting, and these 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).
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 recorded in the Planning Office.
5. Institute regular access roadway water wash-downs, to include submitting a schedule of same to the Planning Office by May 29, 2009.
6. Continue to implement the plan to mitigate blowing sand, dust and other particulate matter near the Mast Road property frontage throughout the permit year.
7. Because of the sensitive nature and zoning of this area, consider opening discussions during the permit year with the Planning Board regarding productive reuse of the land once the materials are depleted.

Trefethen confirmed that Mast Road has another gravel pit in Madbury. He asked if it was possible that they were entering on the Madbury side and exiting on the Dover side.

Woodruff stated that it is possible. You could mix the trucks up because they both have Mast Road advertised on their trucks. Mast Road Sand and Gravel is the gravel pit located within the City of Dover.

Colbath had a question regarding height restriction for a sand pile.



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Andolina asked a question about the wash down schedule.

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

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

David Clough, Brox Industries plant manager, stated he's present to speak regarding the three parcels they own.

Public Hearing Open.

Don Medberry, 3 Covered Bridge Lane, stated that he is an abutter to Brox Industries. They have gone above and beyond what is expected. They are the kind of operation you would want in any town and are wonderful to the neighborhood.

Public Hearing Closed.

Woodruff read Staff Comments:

Planning staff met with both the pit operator to discuss requirements in February and in March. Staff performed a site inspection in April and on May 21, 2009. The application materials are complete. The excavation/reclamation plans are complete. The Planning Department recommends the extraction permit be approved with the following condition:

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.

Woodruff stated that if Tom Fargo, Conservation Commission Chair, were present he would ask that the owner consent to communication and working with the City to talk about any implications to the City with regard to the pending Rock Quarry Expansion in Barrington, NH.

Clough stated that they are looking to expand their quarry in Barrington which is one parcel away from the City of Dover. They would like to shrink it into the ground by 100 ft. The State of NH has asked them to address the hydrological effects of it through testing of wells in the area. They are going to put in some monitoring wells and that will monitor any water leaving the property.

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

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

Attorney Ari Pollack represents Pruven Aggregates. Also present is Rick Proulx, Vice President of Pruven Aggregates. He stated that he has not seen the letter, from the abutters that was referenced earlier. He realizes



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that the signers of the letter live across the street from their gravel pit. They've tried to make an effort to make it workable for all parties. Some of the things they've done is heightened some of the berms along Mast Rd., which helps to curtail some of what blows around the site. They've planted some shrubs along the berm as well as put down bark mulch. They water the roads internally when the plant is in use. He continued to go over the improvements they've tried to make.

Cole asked Woodruff if they could schedule a gravel pit summit in six months with all of the principals and the Board.

Attorney Pollack stated that he has no objection to that.

Andolina asked a question about Pruven's wash down schedule.

Colbath asked if they could voluntarily reduce the height of the pile that towers over the berm.

Atty Pollack stated that he believes that the pile the abutters are talking about is a supplied pile for what goes into the crusher for product. That pile fluctuates as the pit is running. They can make an effort to keep the pile smaller but it needs to be handled in a way that the machines can safely work around.

Rick Proulx, Vice President of Pruven Aggregates Inc, stated the surge pile, next to the crusher, is not over the height of the road. It doesn't tower over anything that is already in place. He could take material out but there will still be material in place. The pile has always been there. It's roughly 40 ft.

Atty. Pollack stated that they can be sensitive to all issues. They have been focused on what to do to contain dust and particles off the road before traffic circulates it further. He stated that it's not something that can be fixed but it is something that can be managed.

Public Hearing Open

Stacey MacDonald, 330 Mast Road, stated regarding the driveway, Pruven put up 160 ft of berm with 10 ft shrubs on top of it. It looks great and eliminates some of the dust. 99% of the dust that emits from the pit, comes through the opening in between the end of the berm and the building. If the berm was continued to the edge of the building and for another 130 ft from the other side of the building, the dust would be eliminated except for what is coming from the driveway. The main thing is they are still being bombarded from the dust. The berm needs to be continued or this problem isn't going to go away. In regards to the water truck, she would like them to water more than once a week. The pile has never been as large as it is now. The berm doesn't do any good if the pile is larger than the berm.

Diane Nichol, 6 Freshet Rd Madbury, NH, stated when the wind picks up, it looks like a sandstorm. They can not eat outside when the wind picks up due to the sand. When they purchased their home, they didn't realize how much of an issue the sand would be.

MacDonald stated that she'd like to ask the Board to add the conditions they've asked for prior to the permit being granted. If they grant the permit, it will be a repeat of last year. They'll follow through on a couple of things but they won't continue to get everything completed.



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 26, 2009
Meeting Time: 7:00 pm

Public Hearing Closed

Woodruff read Staff Comments:

Planning staff met with both the pit operator and his engineer to discuss requirements in February, March and April. Staff performed site inspections in April and on May 21, 2009. The application materials are complete. The excavation/ reclamation plans are complete. The Planning Department recommends the extraction permit be approved with a caveat that time-based conditions that are not met and certified by the owner/operator may result in the Planning Board considering permit revocation at the next regularly scheduled meeting, and these 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 continues to be 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. Institute regular access roadway water wash-downs for the permit year, to include submitting a schedule of same to the Planning Office by May 29, 2009.
5. Continue to implement the plan to mitigate blowing sand, dust and other particulate matter near the Mast Road property frontage throughout the permit year.
6. Because of the sensitive nature and zoning of this area, consider opening discussions during the permit year with the Planning Board regarding productive reuse of the land once the materials are depleted.

Merullo asked if they could add a condition that would require them to increase the length of the berm.

Parker asked the applicant what was on the other side of the building.

Atty. Pollack stated the Town of Madbury is on the other side of the building. The berm is the type of item that they would like to have more concrete discussions within the committee forum. They're committed to continue working. He doesn't understand why there's a need to commit to something when their efforts have helped so far. He would just like the process that has been working continue without deciding from here what might work over there.

Parker asked what would be the downside would be to putting up a berm in Madbury.

Atty. Pollack stated that he would need to speak to the officials in Madbury prior to doing anything that is in the Town of Madbury. He feels bad for the abutters that were shown a house at night by a broker that didn't bother to explain how close the house was to a gravel pit. There's only so much they can do to address what is an inherent issue with the type of operation that legally exists out there.

Parker asked when their permit review was in Madbury.



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Proulx stated it's already been done and approved.

Colbath asked a question about Pruven using a City entrance and liability.

Woodruff stated the request for more berm and planting to the west of the last building on Mast Rd., the only active pit that could bring blowing sand up from that roadway is the Mast Road Sand and Gravel that is located in Madbury. They need to have the owner of that pit present and present at the neighborhood meetings they've had. That way, they can pin point who is responsible for what.

Andolina asked how much time do they need before coming back to the Planning Dept. to tell them what you are going to follow though on. Something has to be done.

Atty. Pollack stated he doesn't know how much time they need but he does want to work on it so that it doesn't become an annual issue. Based on their commitment from last year, they have made some progress and would like to make more progress. They need to come up with solutions that are acceptable to the owners, neighbors and other pit operators if it involves them. What might seem like a simple commitment can become more complicated. For example, it might not only be sand from the Pruven pit that is an issue towards the farther end of the road.

Andolina asked if they could come back in 2-3 months with a status. He's afraid that they would put it off because it's not a priority for the business.

Torr stated he'd like to talk about placing the blame in regards to where the dust is coming from. It's something for the abutters to take into consideration for cost sharing. If it will benefit them, they should share the cost of the berm. They can't dictate what will happen in Madbury, they can only govern what happens in Dover.

Plummer stated it appears that there's 131 ft before the maintenance building located in Dover. That is a majority of the problem from what the abutters were saying. Half of the problem can be addressed without dealing with Madbury.

Atty. Pollack stated that that is where the berm was put up.

Proulx addressed the berm from the audience.

Public Hearing Closed

MacDonald stated that the 130 ft berm ends to the right of her driveway. What they are asking for will resolve 99% of the dust. What they've already done is just a band aid. It doesn't solve the problem. She doesn't want to spend another summer with her windows closed. She asked why Pruven couldn't use their other driveway, which is located in Dover, to exit and enter.

Merullo asked what was the process of the 167 ft berm and what did it take for them to complete it.

Proulx stated the reason it was done in the spring as opposed to last fall was so that the vegetation would have a chance to survive. It took them a week of focused work to make the secondary retaining wall which included



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filling it with proper materials, buying the shrubs, etc. In this economy, it is expensive because there is no return on the investment. Part of the challenge to the Madbury side of it is that he does plan on using the garage still. If he puts a berm up there, he would lose the use of half of one of the bays.

Merullo stated she's concerned that it's going to be summer soon. It's a short window period that the abutters have to open their windows and it doesn't seem like they are going to come up with a solution any time soon.

Proulx stated that they're going to try.

Cole asked what the issue was with using the other driveway that the concrete trucks use.

Proulx stated part of it is a mine safety issue. When they take their annual mine safety inspection, the particular corridor that they use for all of the trucks, the inspectors didn't like all of the congestion in that small of an area. Part of keeping mine safety happy was directing part of the traffic towards the other driveway.

Steele asked Parker if the Town of Madbury goes through this same process.

Parker stated he's unsure but he will be investigating the issue. He believes there needs to be more of a regional effort on this kind of issue.

Cole stated that there are some concerns from abutters, many of which has been addressed at present.

Steele stated that he'd like for Proulx and his attorney to contact the Town of Madbury within 45 days. 90 days puts us through the summer again. He doesn't think that 45 days is too much to ask.

Cole stated he will call the Planning Board Chairman for the Town of Madbury. He's giving Pruven 45 days to report back to the Planning Board to let them know what is going on with the berm issue in Madbury.

Parker stated he will discuss with his Staff how they can better cooperate and coordinate better with the gravel pit renewal process.

Torr stated that they are trying to implement something in Madbury that has to do with a gravel pit located in Dover. They can not do that.

Discussion ensued regarding Dover's jurisdiction.

Motion: Torr made the motion to approve with conditions, Merullo seconded. Trefethen, Andolina, Plummer and Steel oppose. Vote: 5 to 4

5. STAFF COMMENTS

Parker thanked Bruce Woodruff for his work on the gravel pits. He stated that there will be a workshop on June 2, 2009 regarding Willand Pond. They've invited City Council, the Open Lands Committee, Dover Utilities Committee and the Willand Pond Committee. S.W. Cole will be present to discuss the engineering review they've completed on the project and Parker will be presenting the work plan they've completed to date. His intent is to



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go to the Council in July with an award to bid for someone to complete the design work. On June 9, 2009 he would like to have a workshop to go through the rezoning amendments.

Parker stated that they've started putting onto the Planning Dept. website a map showing all of the project locations as part of the approvals.

6. COMMITTEE REPORTS

7. ADJOURN

Motion: Merullo made the motion to adjourn at 9:35 pm, Colbath seconded. Vote: U/A